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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 June 1946.

COMMISSIONER:

Captain Joseph Tubridy.

THE S. D.

(THE COMMISSION CONVENED AT 1000 HOURS.)

DR. ALFRED HOENGEN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Will the witness stand, raise his right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q What is your name?

A Alfred Hoengen.

Q You may sit down.

BY DR. GAWLIK: DIRECT EXAMINATION.

Q Through the testimony of the witness, Hoengen, I want to prove that the statement of the prosecution:

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(a) That the SD checked the trustworthiness and reliability of the civil servants in connection with their complete agreement to the National Socialistic ideas and Hitler's leaders is not correct.

(b) That the SD in no way influenced the selection of the Nazi leaders as stated under page 16 of the trial brief in the German translation.

We will also attempt to prove that insofar as information concerning civil servants was given, it was not given for the following reasons:

(a) To aid a conspiracy.

(b) To bring about crimes against the peace, war crimes or crimes against humanity, that this information was not to aid these crimes or to bring them about.

Q I am just going to ask a few questions in order to prove that the witness has the necessary information to make such statements.

How long have you been a member of the SD?

A Since May of 1940.

Q How long have you been a member of the NSDAP?

A Since January 1, 1940.

Q Since when were you an SS?

A Since the end of 1941.

Q What offices were you active in in the SD?

A I was in the SD sector at Aachen; SD main sector at Hamburg

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the SD main sector in Berlin and in Amt. 3.

Q In what capacity were you active in these offices?

A I was chief of the sectors.

Q What did you work on - what was your duties?

A In the various sectors of the SD I worked in the section of law and administration in Amt. III-a and I worked in general public life, which was first 3a4 and later Amt. 3a1.

Q You also worked on personnel changes?

A Yes.

Q From what time on do you have the information concerning the personnel information plans of the SD?

A Through looking through old files and talking to my superiors and co-workers, I can give information as far back as 1935 and 1936.

Q What is your occupation?

A Lawyer.

Q Who named or who appointed these civil servants and who advanced them?

A The state officers and the section officers, the state administration and the local administration.

Q Who also took a part in the appointment of civil servants and their advancement?

A After the German civil servant laws, the NSDAP.

Q What office did the NSDAP or the party use for that purpose?

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A There were various offices which were questioned in connection with these appointments, for instance, the local police. They also checked with the local court if there had been any previous sentences, then the labor or Arbeitfront, the party, the professional groups, depending upon what the person was working in. For instance, the law association, the medical association, the association of professors at the University, all depending of course on what their jobs were and also the person's use to the SD.

Q What was the reason for all this information?

A This information was used by the party for the so-called political certificate or political judgment of the various officers.

Q Was there any difference between the political judgement by the Hoheitstraeger or the higher party officers and the SD?

A The judgement of the Hoheitstraeger was what we called the Hoheitsact, which meant that it had a constitutional value. It was an important or valuable judgment. The judgement which came from the various other organizations which I mentioned before were information of facts and therefore was not a judgment, but only a statement of facts.

Q What do you understand as to the Hoheitsact?

A The word Hoheitsact act or Hoheits file is an old German administrative term. In other words, it is not jut the statement or form of the National Socialistic law. For instance a Hoheitsact is ~~xxxxx~~ all the files of the court affairs, such as affairs of criminal courts, concessions, as well as permits to build, permits of all sorts and also the information of the other legal files.

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Q Was the information of the SD a Hoheitsact file.

A No, it was not a Hoheitsact file.

Q Was this difference prescribed by law?

A Yes, the party chancellory issued information as to the difference between political judgment and political information. It also designated that only the information by the Hoheitstraeger was to be supposed to be recorded as a Hoheitsact.

Q Did the information given by the SD have any importance in the appointment or advancement of civil servants?

A The information of the SD was "sine qua non" that is it was something that did not have to be absolutely obyed and the Hoheitstraeger was in no way tied to use the information by the SD.

Q What was the purpose of the SD information concerning these civil servants?

A We had to make a difference between times. As long as Amt. 3 did not exist, it was the duty of the SD upon orders from the NSDAP to give information concerning future civil servants and those to be advanced from its information, which consisted mostly of reports by old members. These matters were taken care of in the old Amt. 1 in the office which at that time was called Amt. 111. When Amt. 3 was formed, this old material and the old files on the whole went over to the Gestapo, later on as Amt. 3 was organized, it became the

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duty of Amt. 3 to give information according to the lines given to us as an information branch. The information, which was given to us by this group, was called by us "Information on the Fear of Public Life." It was the purpose from this information to present the man by the SD as he actually was in his past or in his daily life. It was supposed to give a complete picture of his personality and character. This information was supposed to give his past life, his professional career, his schooling such as University and College career; his family background, his financial background, what kind of social circles he moved in, his political past, his political present and the knowledge he had of the field in which he was supposed to be working. This information was compiled not by a person who had no information whatsoever concerning the position that this information was given out for. For instance, if it concerned a member of the law profession, then one of the SD co-workers with a lawyer background took care of that. If it concerned a man with an economic background, then an economic member of the SD compiled this information; if it concerned a man with a cultural background, then it was a man in the SD who compiled the information who also had a culutural background. In other words, what I want to point out is that the civil servant that was being investigated or checked was not just checked for one single phase of his life, not for instance just his political phase, but his entire life or background. It was not checking just one particular point. In other words, a single action or a single phase of his life was not considered to be highly irrelevant, but we considered his entire background and past and actions.

I want to say that we attempted to show in this information how this public official was looked upon by the public - just what the

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public opinion was.

Q The prosecution maintains that the reason for the screening and information of public officers of the SD was so that the officers would be put into leading positions which could be used later on for conspiring to carry out crimes against the peace, war crimes, etc. Would you please make a statement concerning this.

A I cannot answer the question of the conspiracy - only give my impression.

Q Your personal impression is not important, but the impression of the SD members.

LT. HARRIS: I object to that. I think the witness is qualified to state what his personal impression is, but he is not qualified to state his impression of other people. It is impossible.

DR. GAWLIK: He is supposed to give information and can give information as to the purpose, which was the aim of the SD leadership - by that I mean the Reichs Security Main Office in which he was active.

CAPTAIN TUBRIDY: Please instruct the witness not to answer until the question of the objection is ruled upon.

DR. GAWLIK: Wait until the objection is ruled upon before you answer.

CAPTAIN TUBRIDY: I think Lt. Harris' objection is a valid one. You cannot testify as to someone else's impression, unless you know what it was you would be getting away from what which would really consist of ~~his~~ your knowledge.

DR. GAWLIK: He is not supposed to give the opinions and impressions of all the other members. He was in charge of the personnel

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information branch of the SD. Being in charge, he should know the goal of this information branch.

CAPTAIN TUBRIDY: The objection is based on the fact that the witness is testifying as to ~~his~~ impression of others. What we are trying to get at here are facts, ~~with which to exi clarify the situation~~.

~~DRxxGxWLIKx~~ Yes, if we could avoid people's impressions generally, I think the evidence which we get here would be of great weight.

DR. GAWLIK: Was the objection over-ruled?

CAPTAIN TUBRIDY: We will over-rule the objection.

BY DR. GAWLIK:

Q Please give me the facts about which we can draw the conclusion as to the purpose of this information.

A I did not know, nor did I have any impression that there existed any conspiracy within the SD and in my talks with my co-workers and superiors, I never got the impression that such a conspiracy did exist, especially in the information branch of the SD. We never received any decrees or directives from either the party or the SD that could lead one to suppose that such a conspiracy actually existed. When we received the information concerning a public servant, we sent this information to the people asking the question - that is everything we knew concerning this person.

We were not asked if certain people had the special characteristics which were necessary for a person to participate or in any way be connected with a conspiracy. I would consider under these characteristics for a person to participate or take part in a conspiracy, he would have to be absolute obedient, if he is a person without scruples and a person who is

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ready to be used as a tool for any kind of action.

CAPTAIN TUBRIDY: We are not interested in what the witness considered as the necessary characteristics for an individual to take part in a conspiracy.

DR. GAWLIK: Please only given me the facts.

BY DR. GAWLIK:

Q The further fact that there was no group within the state or the party that was known and regarded as a group formed for a conspiracy and the relation with this highest leadership group. By that, I mean the relationship between the various ministers and high officers of the party and its organization. This group was not a closely tied group, but within this group there was a great difference of opinion and people who continually opposed each other. The further fact is that the SD did not hear anything about a common goal of this leadership group - that is a common goal as far as a conspiracy is concerned.

Q The prosecution claims that the basis on which these officers were judged was a complete dependability to the Nazi point of view and to Hitler's leadership. This question concerns page 16 of the trial brief - German translation. What can you say concerning this? Is that correct? Is this the measurement or were their other measurements relative to this?

A First of all, I have already stated that the SD did not give any judgement - just information or facts. If it was a fact that a public officer or a person had openly stated his opposition to the party or to the state, then this was included in the information. As I already

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stated, this person was not judged by just one part of his life, for instance, his statements or his actions toward the state or the party, but his general public life among which his political opinions were a part.

Q Dr. Hoettel stated in a sworn statement, PS 2614, that it was the goal of the SD to put in the leading positions only those persons who were 100% followers of the National Socialist party and any other public officers it was attempted to have removed.

A Dr. Hoettel never worked in Amt. 3 and I do not think he knows much of the duties of the information center or branch, otherwise he would not have made such a statement. If the statement of Dr. Hoettel is correct, then it would mean that the SD was involved in personal politics. We always considered it a fact that politics were not a part of the activities of the Information Bureau of the country. It was not the goal of Amt. 3 - that is the information branch - to put only 100% Naziis in leading positions, but to put the persons best qualified as far as character and dependability was concerned. The SD also did not fight against the other high ranking officers or members, since that would have been an executive action - an action which should have been in the hands of the police and judges. Such work was not done by the SD or was not attempted by the SD.

Q Dr. Hoettel also stated that the SD had an important influence in the judgement of personnel officers in many state departments. Would you give us your opinion concerning this?

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A I don't quite understand what he means by a state department. By that, it is usually meant a public service, such as a reduction in electricity, etc. He may mean an official state or Government department, for instance a ministry. Concerning this, I want to say that the SD did not have any influence on the personnel policies of these various official departments and ministries and it did not attempt to have any such influence.

Of course, the SD was interested in the fact that the information, which they compiled and passed on to the organizations or groups requesting it, that the information would be used by them. Of course, this information of the SD concerned all high ranking officers, the state officers, who were well known and people who were well known in public life, besides those working in administration, law or culture. It was therefore intended that the individual experts or men working in Amt. 3 on these matters were in good relation to the personnel services of the official departments, such as the Ministry, etc. If such a good relationship was accomplished by the experts in Amt. 3 and the personnel chief in the ministry, then it was possible that these two men could get together and jointly decide or try to figure out what Professor for instance would be the best choice for a certain job within a University, however, the SD did not have the power to order or even suggest as to what person would be best qualified for a certain position. It did not have the power and did not suggest as to what person would be most qualified. In this way, the SD did not have the power of supervision over these various positions or new placements.

Q In other words, as far as there was some kind of influence, in what direction did the SD use its influence?

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A I want to state on this point that the objectives and large reports given by the SD were not one sided and did not take one side or the other. They spoke for themselves, that was true not only in the personnel section of the SD, but in every section.

Q Maybe you can answer this question with "yes" or "no?" Would it be the purpose to aid and bring about the conspiracy for crimes against the peace, crimes against humanity and war crimes?

A Absolutely no.

Q Did the SD have the veto power against proposed names of officers and advancements?

A No.

Q Did the SD also give information concerning the capabilities or reliability of political leaders for political jobs, that is higher jobs in the party and the organization?

A The SD was completely excluded from the internal affairs of the party and it had nothing whatsoever to say concerning appointments within the party or its organization, that was especially due to the objections of Bormann that the SD was not allowed to mix itself in the party affairs. Therefore when a position like Ortsgruppenleiter, Gauleiter or even Kreisleiter, then the SD was not questioned concerning the reliability of the person. In fact, the SD was not even informed that such a post was supposed to be manned.

Q Did the SD have any influence whatever in the selection of Nazi leaders? This concerns Page 16 of the Trial Brief, German translation?

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A I, as the responsible person within the SD, should have known of any such influence and I state that the SD at no time had any influence whatsoever on promotions or naming of party officers or officers of the associated organizations and groups.

DR. GAWLIK: I have no further questions.

CAPTAIN TUBRIDY: WE WILL RECESS FOR TEN MINUTES.

(THE COMMISSION RECESSED AT 1120 HOURS.)

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CROSS - EXAMINATION

BY LT. CMDR. HARRIS:

Q Why did you join the SA and the Nazi Party?

A In 1938 I was made Kreisleiter of my own town of Aachen, and at that time I was asked why I had not joined the Nazi Party or the National Socialist Welfare Organization, the NSV, or some other organization of the Party. In that respect I was accused to some extent of not having participated.

DR. GAWLIK: Would the witness please clarify what he means by Kreisleiter in this connection?

WITNESS: I was the highest Nazi leader for that town.

DR. GAWLIK: Then, did I understand the witness correctly as saying that he was the highest Nazi leader in that town without having been a party member?

WITNESS: I was misunderstood. I became a lawyer in 1938 and at that time I received an order to go to the Kreisleiter and explain why I had not become a party member.

BY LT. CMDR. HARRIS:

Q Who told you to go to the Kreisleiter and explain why you had not become a member of the Nazi party?

A I don't remember whether I was asked to go to the Kreisleiter by letter or by phone.

Q Well, it was a request from the Kreisleiter's office that you come and report in order to explain why you had not joined the Nazi Party, is that right?

A Yes.

Q And what did you tell the Kreisleiter as to why you had not become a member of the Nazi party?

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A I already stated before that among other things I was accused of having friendly relations with Jews and ~~the talking of~~ having taken Jewish cases as a lawyer.

Q Well, who accused you of those offenses? Did the Gestapo accuse you or the Kreisleiter?

A I don't know where the Kreisleiter got his information. My actions and my relations with other people were well known to a lot of the people in that town since the life of a lawyer generally is rather public, and my friends and acquaintances were rather well known in this comparatively small town.

Q Well, did you know that it was an offense against the Party and the Nazi system to represent Jews?

A Yes.

Q And knowing that it was such an xxxxxxxx offense, you went right ahead and represented them, is that right?

A Yes.

Q You didn't think that was wrong?

A No.

Q And then, what did you tell the Kreisleiter as to why you had not joined the xxx Party?

A I told the Kreisleiter that I had some basic thoughts against this idea, that I was not a political person, and that I had never before participated in any political activity.

Q What were the xxxxxxxx objections that you had to the Nazi system at that time?

A For instance, the anti-semitism. I was not anti-semitic then and I'm not anti - semitic now.

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Q Well, what did you know about anti-semitism as carried out by the Kreisleiter and the lower party officials?

A It consisted of the removal of the Jews from the public life of Germany.

Q What did the Nazi Party have to do with that? What did the Blockleiter, the Zellenleiter, and the Ortgruppenleiter have to do with that?

A As National Socialists, they represented the ideals of anti-semitism.

Q But what specifically did they do against the Jews that caused you to be opposed to them?

A Am I to understand your question as saying in what way did these Ortgruppenleiters, Zellenleiters, and Blockleiters carry out the anti-semitism?

Q Yes.

DR. GAWLIK: May I object to this line of questioning since the witness was not called in for this line of questioning, and from the testimony that he has given up to now, he does not know the information which is now being asked of him.

CAPT. TUBRIDY: The witness has indicated that he is not a member of a part of the SD. The SD was a group of persons that allegedly conspired in crimes. The line of questioning is directed toward the individual as a person and his attitude and his actions which would have a bearing on the testimony which he has been giving.

DR. GAWLIK: In other words, it is only a question of his trustworthiness and reliability?

CAPT. TUBRIDY: Generally, the type of witness he is.

DR. GAWLIK: Alright.

WITNESS: May I have the question repeated?

LT. CMDR. HARRIS: Yes.

(Question repeated by German stenographer.)

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WITNESS: I, at that time, was not a member of the National Socialist Party, and I can only testify as to what I heard from others.

BY LT. CMDR. HARRIS:

Q Yes, that's what we are interested in. What, specifically, did they do that caused you to think that this anti-semitism was wrong?

A What I saw especially of the anti-semitism of the nazi party was the propaganda which was reported in the newspapers and especially over the radio. Then, the mass meetings, the papers such as Der Stuermer, and such all carried this propaganda.

Q You said that you understood that the Party was trying to force the Jews to leave Germany. What did the Blockleiter, Zellenleiter and Ortgruppenleiter do specifically to force the Jews to leave Germany, for example?

A I was a lawyer, and as such, represented many Jews that intended to leave Germany, and later on actually did leave Germany. As a lawyer, I had to aid them in various aspects of their leaving, such as helping them in certain financial interests; and also having to meet with the border duty officers and with the finance officers and so on, and therefore, I did not have anything to do actually with the party officers and do not know what these party officers did in order to force the Jews to leave Germany.

Q Well, your clients told you what they did, didn't they?

A Yes.

Q Well, what did they tell you?

A I had clients for instance that used to have business in Germany, and after a while , they received an order that they would not be allowed to carry on these business affiliations any more and it was attempted to try to retain their business interests so that they could start anew in the foreign countries.

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Q And what organization drove them out of business? Was that done by the Party?

A No, this was just a consequence of State decrees, or state orders. For instance, the ~~Nuremberg~~ Nuernberg decrees were State laws and National laws, and it was from these laws that the decree was enforced.

Q How were these discriminatory laws enforced? What organization enforced them?

A There were a large number of official departments connected with this matter. For instance, the Finance Department had a very large part in this, and duty had to be paid for anything that was taken out of Germany. Then, the local police, the criminal police, was also connected with the issuing of passports and so on.

Q What else did you tell the Kreisleiter? What other reasons did you give the Kreisleiter for not joining the Party, other than the fact that you were opposed to anti-semitism?

A I have already stated that I told him at the time I was a non-political person, and had not participated in political actions. Before 1933 I was not interested, and was not interested now.

Q Well, did he tell you why you should become a member of the Party?

A He did not tell me to become a member of the National Socialist Party, but to become a member of the NSV, the National Socialist Welfare Organization. He also asked me to participate in this welfare organization.

Q Did you do this?

A Yes.

Q You understood that really, if you didn't comply with this request, it would adversely affect your law practice?

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A I was not threatened in that direction, however, I considered it a good idea to join this organization since it was a purely welfare organization which had nothing to do with the National Socialistic world ideas, and was a purely welfare organization.

Q You were out of sympathy with the National Socialistic world ideas, I take it?

A No, not 100%, only partly.

Q What part of it were you particularly opposed to?

A I was against the anti-semitism and was also, as a lawyer, opposed to the so-called leadership principle which extended all the way down into the smaller groups or phases of public life. I was a liberal, so far as my law was concerned, or if you want to say it, I was more democratically inclined.

Q In other words, you were opposed to dictatorship as personified by Hitlerism?

A I would agree that at the time of need in which Germany was plunged, central and energetic leadership was a good thing. However, I am not quite able to determine how far this central and energetic leadership should have extended.

Q In any event, opposing these Nazi tendencies for leadership and anti-semitism, you joined the Nazi Party, didn't you?

A After I entered the welfare organization, I got the job of receiving the first of the many members, and it was also my job to take care of the poor through donations of money and food. That is, it was my job to bring these people money and food, and it was a job which was considered very nice, and after a half year, the Ortgruppenleiter who was responsible for my district, told me that it was possible for me to enter the Party.

Q And so you were glad to know that you had been accepted in the Party and you joined the Party?

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A No, that is not quite the history of it. At that time I came to the conclusion that it was not a good idea to stay in isolated opposition as an outsider, but rather, to enter the Party and as a party member, to express my thoughts and opinions about the public life, and in such a way bring my ideas to a wider circle.

Q That was due to the fact that no outsider could safely express ~~opposition~~ opposition to the Party and against the Nazi dictatorship, wasn't it?

A Yes. For instance, it was not possible to express ~~my opinion~~ my different opinion in a newspaper article or by expressing it at a rally.

Q It was the duty of the Ortgruppenleiters, Zellenleiters, and Blockleiters to keep watch over the people and to report unpatriotic actions, wasn't it?

A That would have meant that the Zellenleiters, Ortgruppenleiters and Blockleiters were spying on the people in the district. Before I entered the National Socialist organization, I did not know who the Zellenleiter was that was in charge of my particular district.

Q That's exactly what I mean, but you knew that if you, as a member of the opposition, stated your opposition to anti-semitism, that it was the duty of the party leaders to report you and that you would be reported and then the result was that you had to get out of the opposition and into the party.

A No, you cannot express it that way. I think what you say is exaggerated. When I was a ~~lawyer~~ lawyer, we more or less publicly expressed our opposition to various ideas. For instance, in a court house, similar to this, the lawyers had their own room in which a group of them got together and discussed the latest measures and criticized them. If we did not agree with them we said so. We were not afraid of being reported or picked up.

Q You didn't answer the question. I am not referring to legal methods, as to which lawyers have the privilege of expressing themselves. I am referring to remarks

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made by the public in general against the Hitler ideas, that is anti-semitism. It was generally known that these party officials did report these remarks and it was their duty to do so.

A No, it is true that in the rooms of the lawyers, judicial questions were discussed, but I am referring to questions about the events of the day -- the laws of the day and interior politics. We not only discussed those questions in the rooms of the lawyers, but also in public, and I want to emphasize by this that I did not feel in any way that I was being spied upon.

Q In other words, what you just said a few minutes ago that the reason that you joined the Nazi Party was in order to have freedom of expression which you did not have outside of the Nazi Party is not true?

A No, I do not consider that there was such a contradiction. In my answer, there is quite a difference in talking to friends and acquaintances about things like this, and in talking to another group of people -- Party members whom I met. By expressing my thoughts to them, I hoped to bring about a change in their ideas. There's quite a lot of difference. One being without any results, and the other one, the latter one, having a possibility of results within the Party.

Q That's exactly what I am talking about. In other words, you knew that as long as you were an outsider, that if you made statements about your opposition to persons in the Party, you were liable to get into trouble, didn't you?

A I considered it unnecessary and needless to stand on the outside and just criticize, but felt that I, as a member of one of the higher educated and more intelligent groups of the population, should enter the Party in order to bring about a change in the policy of the National Socialist Party as such.

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Q What did you understand the SD to be when you joined it?

A I only heard about the existence of the SD shortly before I entered the SD. I became a soldier when the war broke out, and at that time, lawyers were being sought by the SD xx for duties which necessitated a person being a lawyer. At that time, I was with a unit which I was not suited for. I was with a building construction company and my physical stature xxxxxxxxxxxxx was not xxxxxxxxx suited for the job. That is why I took the chance and I asked about the jobs which were open. I saw immediately that I could bring my critical ideas to use in this new job as a lawyer.

Q You have spoken for 5 minutes and you have not answered the question.

A Then I am sorry, but I did not understand the question.

Q I asked you, at the time you joined the SD, if you knew what the SD was.

A I was told, at the time, and it later turned out to be true, that the SD was an institution which was to look into public ideas and thoughts. That was about the general lines and duties of the SD.

Q Well, did anybody ever tell you that the SD was the intelligence service of the SS in the Party in the Nazi State?

A Nobody ever told me that and I did not get the impression while working there that the SD, and I am now speaking of Amt III, ~~that it~~ carried out any espionage or intelligence.

Q Well, how did the Amt III of the SD obtain their information?

A I suppose the Prosecutor is speaking of the material which the SD used for the report?

Q Did the SD employ "V-Men"?

A They did not employ them in the sense that they had a contract with them or that they were paid. We called them honorary co-workers. I, of course, was paid.

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Q Did Amt III of the SD obtain information through persons who were called honorary part-time members, or "V-Men", who obtained information secretly and relayed it to the SD regular employees?

A If you want to designate me as a paid agent, then I have to protest because the sound of the word agent is a very bad word in Germany. But, if you wanted to express by this that the main officials in the SD, such as I, did receive information from V-Men , then that is correct. I do not quite understand the term that the Prosecutor used, that is, the term of obtaining information by secret means.

Q When did you enter Amt III's head office?

A End of January, 1943.

Q You have seen these reports on individual civil servants that you testified to at length? Have you ever seen one?

A As I have already stated, I concerned myself with the public. That is, while in Aachen, Hamburg and Berlin I concerned myself with civil servants, but later I was concerned with party members. That is, the leading personalities within the party.

Q You understand that you have not answered the question at all, don't you? Are you trying to deliberately evade answering the questions?

A No, I was asked whether I saw any of those reports.

Q And you have not answered this question.

A Yes, I've seen these reports.

Q That's a simple question, and it calls for a simple answer, and we will get along much better if you try to answer the question. What did the report look like?

A These reports were, as I have already explained, the description of the persons past life and their occupational career.

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Q Did it have the name of the man on the report?

A It had to be there.

Q It had to be, of course. Then, it had the report which gave the basic facts, didn't it?

A I don't understand this question.

Q Then the body of the report contained facts concerning the man's past life and so forth?

A Yes, that was the rule.

Q Yes. Then, at the end of the report, there was the conclusion?

A That depended upon the offices from where this information originated. Some groups only made a list of the facts, and some other groups drew a conclusion.

Q Did you ever see any one of these reports which were submitted to the State Department in final form as it went on to Amt III?

A I have already stated, in the answer that was objected to by the Prosecutor, that in Amt III, I did not have anything to do with the judgment of these officials. In Amt III, I made personality reports concerning persons within the party.

Q So that actually, what you are familiar with is your experiences in the Abschnitt and Leitabschnitt offices in submitting reports, beginning at Amt III, on these various appointees and officers? So your experience in the matters of reports on civil servants is based upon the time that you spent in the regional offices of the SD, and in submitting reports from those offices to Amt III headquarters?

A I have already stated how this information was being dealt with in Amt III while I was with the Abschnitt sectors.

Q But you said you had never actually seen one of the final reports when it went out from Amt III to the state offices concerned.

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A It is possible that I saw these reports from colleagues and co-workers, therefore it is possible for me to state what they looked like.

Q Just a minute ago you had never seen one of these reports. Now you say it is possible that you saw them. There could not be any question as to whether or not you saw them.

A When you spoke of the reports I thought you meant all the reports, or most of them. However, I have not seen all of them. The Amt III very often passed on the good reports and we passed them on. I know these reports quite well.

Q And some of these reports was a general appraisal of the person involved, wasn't it?

A Yes, I have already stated that it was handled differently in various organizations or groups. Some would have these final resumes.

Q What were your instructions in the field as to what type of political grievances you were to look for?

A I did not quite understand your question.

Q You said that one of the elements was a man's political past, his political views and attributes, is that right?

A Yes.

Q And I suppose that in these reports, if one of the V-Men said that he had learned that this man was opposed to anti-semitism or something of that sort, that that was incorporated into the report?

A Yes, that's a fact.

Q And that's why you used these V-Men who were not known, and who therefore were in a position to acquire information that otherwise could not be obtained?

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A I have stated before that the political aspects of the person were not the only points which were touched, but that it was only one point among many.

Q You see, that does not answer the question. I understand that. Now, let's have the question read back.

(Question read back in German by German stenographer.)

Q That's a simple question and I think you can answer it with yes or no.

A Yes, of course. If a person made such a statement and a V-Man heard it, he reported it among the other facts.

Q You maintained the files of these persons in your regional offices, did you not?

A Yes, I had them at my disposal at any time.

Q Now, actually, did you maintain files against individuals in anticipation of receiving requests for information?

A The files were set up in order to gather any kind of material. It was more or less a questionnaire.

Q Go ahead and explain that. I am interested in the mechanics, you see.

A If I understand you correctly, you want to know just how such an inquiry was handled?

A No, that's not the question. I will rephrase the question. When information came in from the V-Men, and whatever forces were available, it was put in your files and kept in your office for future reference, wasn't it?

A I have to give you an example otherwise it is very hard to explain.

Q I understand. I am not talking about these inquiries specifically, I am talking about it in general.

A Yes, I have to give you a typical example.

Q Well, go ahead.

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A For instance, a V-Man reported the judgment in a certain case -- a criminal case. For instance, it was stated in this report that the public did not agree with this judgment which concerned something against the war industrial economy, which was a crime against the war industrial economy. It said then, in the report, that the Judge, Judge Mueller, dealt with it too harshly, or not harshly enough, according to the viewpoint of the people. Then, the SD became interested in Judge Mueller. Then extracts of this report were made and put into a file.

Q Under the name of Mueller?

A Under the name of Mueller, yes, that is correct.

A second typical example is, for instance, when a Judge Schmitz is supposed to receive a promotion. The Party asks the SD for any information which the SD has concerning this Judge. Then, we were to check and see if there were any files on this man. If there were no files, which was usually the case, then we made up a file.

Q That's exactly what I want. Tell me what your duties were with respect to investigating the party officials when you were in Amt III in 1943.

A The committee of which I was in charge was called General Public Life. It was my duty to describe this development of public opinion in reports which I made up after receiving reports from smaller sectors all over Germany. They were serious things which influenced the reports on the opinions of the population in a negative way.

Q Just a minute. I think that perhaps you did not understand the question. I thought you said before that your work in Amt III was with respect to the Party and that's what I was trying to have you bring out.

A Yes, I am coming to this right now. There was a bad influence upon the opinion of the people if at any public affair, for instance, a high party official acted in a

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bad way. The action of the leading man was checked more and more by the population as the progress of the war became more and more critical. Many party officials were talked about by the population quite critically, and the opinion of the population was gathered by these V-Men. It was my duty to put together these facts and reports about either the high leaders as a whole, or about individual leaders. I was to put them together and pass them on.

Q And where did you send them?

A We were to bring these reports to the attention of the various officials who could change the existing conditions. That was , especially, Bormann, as high chief of the party. That is, he wasn't the highest chief, because the highest chief was Hitler, but he was the chif of the party chancellors.

Q And you kept these reports in your office, filed by name, and when you submitted them, did you submit them just with respect to one name at a time or more than one name?

A In general, they were reports concerning one Kreisleiter and one Gauleiter or one Reichsleiter.

Q And they were set up as individuals by name in your office? Is that right?

A Yes, that is something that I personally was responsible for. I developed these files. They were not official SD files, but they were in my office in a steel case.

Q And the reports that came in from the V-Men through the regional offices gave information on the specific individuals by name which you put in your files?

A As I said before, if it concerned the actions of some individual by that name, yes.

Q The answer is yes?

A Yes, but just in case, I wish to have the question repeated.

(German stenographer repeats the question.)

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Yes, the answer is yes.

LT. CMDR. HARRIS: I have no further questions.

RE-DIRECT EXAMINATION

BY DR. GAWLIK:

Q Witness, you stated before the difference between a judgment and what you called a state Hoheits Act and Political Information. Am I correct in saying that this Hoeheits Act was a judgment which was a general judgment whose value was accepted by everybody?

A In Germany, it was an official act.

Q It was an act which was to be depended on by everybody, and the difference between the political information was or is that their information only gave actual facts?

A Yes, and as the Prosecutor has stated, and I agreed, if there was a closing resume of the entire thing, then this was not official nor was it in any way binding upon anyone.

Q My question is this, do you know what political leaders could give such a binding judgment?

A As far as I know, only Kreisleiters.

Q. What was the reason for the critical opinions concerning high members of the Party in the State? Why were they put together? Was the reason of the SD that the SD was to act against these people who made these statements or were there other reasons?

A We considered it very important to know what the people thought of the political leaders. The leadership had to receive such information from its information branch. However, over all those things, we had no influence.

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LT. CMDR. HARRIS: You translated "Nachrichten auskunft" as information branch? Is it information or intelligence?

INTERPRETER: "Nachrichten" is actually information. It can be used in both ways.

CAPT. TUBRIDY: Let's just let the record show that it can be translated as either/information or intelligence.

BY DR. GAWLIK:

Q Was the purpose of these reports by the population concerning these people, ~~was the purpose of these reports to~~ prosecute the people who had made ~~that the persons making these statements could be prosecuted~~ these statements?

A The V-Men were not required to name the persons who made these statements.

Q Then how were these statements reported?

A For instance, in the following manner. The entire population of a town spoke of the action of a certain Kreisleiter.

Q What was the situation of the SD at the time you arrived at the Reich Security Main Office?

A At that time already there were many differences between the SD and Party Chancellors, especially Bormann and even with Himmler, who did not consider the reports of the SD as very important. We were always accused of being defeatists, or of being pessmistic, and that we were against the Party.

DR. GAWLIK: I have no further questions.

CAPT. TUBRIDY: The Court will adjourn, and we will have the next witness at 2:00 o'clock.

(THE COURT ADJOURNED AT 1315 HOURS.)

COM A * Hoenger

Ahuna
Take 2, Page 18
26 June

I certify that the following is a true and correct transcript of the testimon y of ALFRED HOENGER, taken on 26 June 1946.

Alice Mahan.
Reporter - pp

Pilani A. Ahuna
Reporter - pp

COMMISSIONER:

Joseph F Tubridy

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Amtliche Niederschrift der Zeugenaussagen über angeklagte Organisationen vor der vom Internationalen Militärgerichtshof am 13. März 1946 gemäss Paragraph 4 ernannten Kommission.

Mittwoch, den 26. Juni 1946 — 10.00 Uhr vormittags.

Beauftragte: — CAPTAIN JOSEPH F. TUBRIDY

Organisation: — SD

Zeuge: — Dr. Alfred Höngen.

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CAPTAIN TUBRIDY: Herr Zeuge, erheben Sie den rechten Arm und wiederholen Sie nach mir diesen Eid:

"Ich schwöre bei Gott dem Allmächtigen und Allwissenden, dass ich die reine Wahrheit sagen, nichts verschweigen und nichts hinzufüge werde."

(Der Zeuge spricht den Eid nach).

Geben Sie uns Ihren vollen Namen an.

ZEUGE: Alfred Höngen.

DURCH DR.GAWLIK:

Durch die Vernehmung des Zeugen Höngen soll bewiesen werden, dass die Behauptung der Anklagebehörde:

a) der SD habe die Treue und Verlässlichkeit von Staatsbeamten mit dem Masstab der völligen Ergebenheit an die Nazi-Weltanschauung und Hitlers Führertum geprüft, nicht zutrifft.

b) dass der SD keinerlei Einfluss auf die Auswahl der Naziführer besass. Vgl. Seite 16 des Trial-Briefes, deutsche Ausgabe!

Es soll ferner bewiesen werden, dass, soweit Auskünfte über Beamte abgegeben worden sind, dies nicht zu dem Zweck geschah,

a) eine Verschwörung zu unterstützen,
b) die Begehung von Verbrechen gegen den Frieden, Kriegsverbrechen und Verbrechen gegen die Menschlichkeit zu ermöglichen oder zu begünstigen.

Ich stelle zunächst einige Fragen um zu beweisen, dass der Zeug die notwendige Kenntnis besitzt.

F: Seit wann sind Sie im SD?

A: Seit Mai 1940.

F: Seit wann sind Sie in der NSDAP?

A: Seit 1. Januar 1940.

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F: Seit wann sind Sie in der SS?

A: Seit Ende 1941.

F: Bei welcher Dienststelle sind Sie im SD tätig gewesen?

A: Beim SD-Abschnitt Aachen, SD-Leitabschnitt Hamburg, SD-Leitabschnitt Berlin und Amt III.

F: In welchen Stellungen sind Sie bei diesen Dienststellen tätig gewesen?

A: Ich war Referent bezw. Abteilungsleiter.

F: Was haben Sie bearbeitet?

A: Bei den Abschnitten das Sachgebiet Recht und Verwaltung, im Amt III das Teilgebiet Allgemeines Volksleben, in III A und III a 4, später hiess es III A 1.

F: Haben Sie auch Personal-Auskünfte bearbeitet?

A: Ja.

F: Für welchen Zeitraum haben Sie einen Überblick über das Personalauskunftswesen des SD?

A: Durch Bearbeitung älterer Akten und durch die Informationen, die ich von Vorgesetzten und Mitarbeitern bekam ab 1935/36.

F: Was sind Sie von Beruf?

A: Rechtsanwalt.

F: Wer hat Beamte befördert?

A: Die Fachministerien und die mittleren Behörden der staatlichen Verwaltung und der Kommunal-Verwaltung.

F: Wer hatte bei der Ernennung und Beförderung von Beamten mitzuwirken?

A: Nach dem deutschen Beamtenrecht die NSDAP.

F: Welche Stellen zog die Partei hierzu heran?

A: Das waren eine ganze Reihe von Dienststellen, beispielsweise die Orts= Polizeibehörden des Strafregisters bei den Landgerichten, das Amt für Beamte, die Deutsche Arbeitsfront, die Gliederungen der Partei, die Berufsorganisationen, den Juristen=, Ärzte= und Dozenten-Bund, je nach der beruflichen Stellung des betreffenden Beamten.

F: Wozu dienten alle diese Auskünfte?

A: Sie dienten der NSDAP als Unterlage für die sogenannte politische Beurteilung der Beamten.

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F: Bestand ein Unterschied zwischen den politischen Beurteilungen durch die Hoheitsträger und höherer Parteibeamter einerseits und den SD-Auskünften andererseits?

A: Die politische Beurteilung der Hoheitsträger war nach geltendem Recht ein Hoheitsakt, ein Werturteil konstutiver Bedeutung. Die politische Auskunft all der verschiedenen anderen Stellen die ich genannt habe, war dagegen eine Mitteilung von Tatsachen, ein Werturteil von konstutiver Bedeutung.

F: Was verstehen Sie unter "Hoheitsakt?"

A: "Hoheitsakt" ist ein alter deutscher Verwaltungs-Rechtsbegriff, also nicht erst ein Begriff des nationalsozialistischen Rechts.

Hoheitsakte sind zum Beispiel Zivil= und Strafurteile, Konzessionen, Baugenehmigungen.

F: Waren die Auskünfte des SD Hoheitsakte?

A: Nein, es waren keine Hoheitsakte.

F: War dieser Unterschied gesetzlich geregelt?

A: Ja, es gab eine Anordnung der Partei-Kanzlei die das festlegte, was der Unterschied zwischen politischer Beurteilung und politischer Auskunft war und legte speziell fest, dass die politische Beurteilung der Hoheitsträger Hoheitsakt war.

F: Hatten die SD-Auskünfte für die Ernennung oder die Beförderung eines Beamten ausschlaggebende Bedeutung?

A: Nein, sie waren weder conditio sine qua non möchte ich als Jurist sagen, noch waren die Hoheitsträger an die Auskünfte des SD gebunden.

F: Welchen Zweck verfolgte der SD mit den Personalauskünften?

A: Hier muss man wohl einen zeitlichen Unterschied machen. Solange das Amt III nicht bestand, erfolgten die SD-Auskünfte auf Grund eines Auftrages der NSDAP, und zwar ging dieser Auftrag dahin, dass der SD aus dem vorhandenen Material über Beamte das Wesentliche, das aus der Perspektive der alten Gegner-Hochachtung herkam, aus diesem Material Auskünfte gab.Die Bearbeitung erfolgte damals beim alten Amt I in einer Stelle, die die Bezeichnung trug

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"I 111". Bei der Gründung des Amtes III gingen nun diese alten Akten und dieses alte Material im wesentlichen an die Gestapo über und im Amt III erfolgte die Erteilung von Auskünften nach den grossen Richtlinien, die der nachrichtendienstlichen Arbeit gegeben wurden, die wir lebensmittelmässige Bearbeitung nennen.

Der Zweck der SD-Auskünfte war nur, den Menschen so zu beleuchten und darzustellen, wie er in seinem Lebensgebiet erschien. Es sollte ein Gesamtbild der Persönlichkeit gegeben werden. Dazu gehörte der Lebenslauf, der berufliche Werdegang, Schulen, Universitäten, Ausbildung, die Familienverhältnisse, die Vermögensverhältnisse, die gesellschaftliche Stellung, die politische Vergangenheit und die jetzige politische Einstellung und die fachliche Qualifikation in seinem speziellen Beruf. Diese Tatsachen aus dem Leben eines Beamten wurden nun zusammengefasst nicht von einem Menschen, der von den beruflichen Dingen dieser Beamten keine Ahnung hatte, sondern eben von einem Fachmann, also bei einem Juristen wa es ein Jurist, bei einem Wirtschaftler war es ein in der Wirtschaf versierter SD-Mitarbeiter, bei einer Person aus dem kulturellen Leben war es auch wieder ein Fachmann aus dem kulturellen Leben, der diese Auskünfte zusammenstellte. Zusammenfassend kann man also sagen, dass der einzelne Beamte nicht isoliert betrachtet wurde vo einem Gesichtswinkel aus, etwa dem politischen, sondern als Gesamtpersönlichkeit, in seiner Lebensstellung, und auch nicht unter dem Gesichtspunkt irgend einer einzelnen Gruppe, einer Clique, wie wir das nennen. Es wurde also auch nicht eine einzelne Handlung, oder eine einzelne Epoche seines Lebens als massgeblich angesehen, sondern alle Umstände wurden zusammengenommen und gewürdigt. Man kann sagen, wir versuchten wiederzugeben, wie der betreffende Beamte vo der öffentlichen Meinung angesehen wurde.

F: Die Anklage behauptet, der SD habe mit der Erteilung der Auskünfte den Zweck verfolgt, solche Personen in massgebliche Stellungen zu bringen die bereit waren, als Verschwörer bei Verbrechen gegen den Frieden, gegen die Menschlichkeit oder Kriegsverbrechen zu unterstützen. Nehmen Sie dazu Stellung.

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A: Ich kann zur Frage der Verschwörung ja nur meine subjektive Auffassung wiedergeben.

F: Ich unterbreche Sie. Es kommt auf Ihre subjektive Meinung nicht an, sondern geben Sie die Meinung der SD-Angehörigen wieder.

A: Dazu kann ich sagen, dass...

LT.HARRIS (unterbrechend):

Ich erhebe Einwand; der Zeuge kann wohl sagen, was seine persönliche subjektive Meinung war, er kann aber nicht in der Lage sein, Auskunft zu geben über die Meinung anderer.

DR.GAWLIK: Er soll Auskunft geben über das, welche Zwecke die Führung des SD verfolgt hat, also über das Reichssicherheitshauptamt in dem er tätig war.

A: Ich kann hierzu sagen, dass mir und meinen Mitarbeitern und auch den Vorgesetzten...

CAPT.TUBRIDY (unterbrechend) Dr. Gawlik, sagen Sie dem Zeugen, dass, wenn ein Einwand erhoben worden ist, er die Frage nicht beantworten soll, bis darüber entschieden ist.

DR.GAWLIK: Also, dann warten wir mit der Beantwortung bis der Einwand entschieden ist.

CAPT.TUBRIDY: Dr. Gawlik, ich glaube,dass der Einwand von Lt. Harris vollkommen klar und recht ist, denn der Zeuge kann nicht Auskunft geben über die Eindrücke anderer Personen, es sei denn er weiss, wie es war, sonst würde er von dem abweichen, was seine eigentliche Kenntnis ist.

DR.GAWLIK: Er soll ja auch nicht über die gesamten anderen Mitglieder Auskunft geben, sondern er hat, da er auch Personalauskünfte im Reichssicherheitshauptamt bearbeitete, und er ja auch der massgebende Mann war, kann er auch sagen, welchen Zweck der SD mit seinen Auskünften verfolgte.

CAPT.TUBRIDY: Ich glaube, es ist ein Ausdrucksunterschied. Dr.Gawlik, der Einwand ist dadurch begründet worden, dass der Zeuge über seine eigene Meinung gefragt wird und dass er auch über die Meinung anderer Auskunft geben soll. Was wir hier wollen sind Tatsachen, um über die Sache aufzuklären und ich glaube, dass,

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wenn wir die Meinung von anderen Leuten hier aus dem Spiele lassen könnten und uns an Tatsachen halten, dann wären die Aussagen viel wichtiger und viel erheblicher.

Fahren Sie weiter mit Ihren Fragen.

DR.GAWLIK: Ist der Einwand nun zurückgenommen?

CAPT.TUBRIDY: Ja, der Einwand ist abgelehnt worden.

DR.GAWLIK

F: Geben Sie uns vor allem auch Tatsachen wieder, aus denen sic der Zweck ergibt.

A: Von der Existenz einer Verschwörung war mir nichts bekannt u ich habe auch von meinen Mitarbeitern und von meinen Vorgesetzten nie etwas erfahren, was auf die Existenz einer solchen Verschwörun hindeutete und speziell im Auskunftswesen gab es keine Erlasse ode Richtlinien, weder von aussen her, von der Partei her, noch intern im SD, welche auf eine derartige Verschwörung hindeuteten. Wenn der SD eine Anfrage bekam über einen Beamtn, dann hiess es ganz al gemein, dass wir mitteilen sollten, was über diesen Beamten bekann war. Wir wurden nicht gefragt, ob der Beamte bestimmte Eigenschaften habe, von denen ich sagen möchte, dass sie ein Mensch haben mu dass er bei einer Verschwörung mitwirkt oder sie unterstützen soll. Ich möchte als solche Eigenschaften bezeichnen die Bereitschaft zu unbedingtem Gehorsam, oder Skrupellosigkeit, oder Brutalität, oder die Bereitschaft ein Werkzeug zu jeder Art von Handlungen zu sein.

CAPT.TUBRIDY: Dr. Gawlik, wir haben kein Interesse daran zu erfahren was der Zeuge meint mit den nötigen Charaktereigenschaften einer Person, um an einer Verschwörung teilzunehmen.

DR.GAWLIK: Herr Zeuge, geben Sie nur allgemeine Tatsachen an,

A: Eine weitere Tatsache ist, dass eine Führungsgruppe in dem Staat oder in der Partei, die als Verschwörung anzusehen war, nich bekannt war. Das gegenseitige Verhältnis in der Führungsgruppe, ic meine die Minister, die obersten Führer der Partei und der Gliederungen waren keine homogene Einheit. Es bestanden starke Meinungsverschiedenheiten untereinander und sie befehdeten sich auch teilweise.

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Eine weitere Tatsache, ein einheitliches Ziel einer solchen Gruppe war dem SD nicht bekannt, ein Ziel, das einer Verschwörung gleich gekommen wäre.

DR.GAWLIK: Die Anklage behauptet, dass der Masstab für die Beurteilung die völlige Ergebenheit an die nationalsozialistische Weltanschauung und Hitlers Führertum gewesen sei.

Die Frage bezieht sich auf Seite 16 der deutschen Übersetzung des Trial-Briefes. Nehmen Sie dazu Stellung. Ist das richtig, dass dies der Masstab war, oder war ein anderer Masstab da?

A: Zunächst gab der SD, wie ich schon sagte, keine Beurteilung, sondern eine Information über Tatsachen. Wenn es nun Tatsache war, dass ein Beamter sich offen gegen den Staat oder die Partei erklärt hatte, so wurde diese Tatsache in der Auskunft mitgeteilt. Der Masstab der Beurteilung oder Auskunft war nicht einseitig über seine Stellung, die Stellung des Beamten zum Staat und zur Partei, sondern eben seine gesamte Stellung im öffentlichen Leben, wozu auch die politische Haltung gehört.

DR.GAWLIK: Dr. Höttl hat in einer eidesstattlichen Erklärung - Dokument 2614 - angegeben, dass das Amt III in erster Linie bestrebt war, dass in allen führenden Positionen des Reiches nur hundertprozentige Nazis sassen und alle anderen wurden heftig bekämpft.

Nehmen Sie zu der Aussage des Dr. Höttl Stellung.

A. Dr. Höttl hat im Amt III nie gearbeitet und ich glaube nicht, dass er von der Arbeit des Inlands-Nachrichtendienstes sehr viel verstand, sonst hätte er das nicht sagen können. Wenn das richtig wäre, was Dr. Höttl sagte, dann hätte der SD Politik, Personal-Politik betrieben, das ist aber nach unserer Ansicht nicht Aufgabe eines Nachrichtendienstes, Politik zu machen.

Das Ziel, das der Inlandsnachrichtendienst, das Amt III verfolgt hat, war nicht, hundertprozentige Nazis in alle massgeblichen Stellungen zu setzen, sondern die best qualifizierten und charakterlich besten und zuverlässigsten Männer. Das Amt III hat auch nicht die anderen bekämpft, denn das wäre ja eine exekutive Arbeit gewe-

H0988 - 0040

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sen, eine polizeiliche oder richterliche Aufgabe, die der SD weder hatte noch anstrebte.

DR.GAWLIK: Ferner hat Höttl gesagt: in manchen Staatsbetrieben hätte der SD in der Beurteilung der Beamten massgeblichen Einfluss.

Nehmen Sie dazu Stellung.

A: Der Ausdruck "Staatsbetrieb" ist eigentlich nicht verständlich, denn ein Staatsbetrieb ist eine Domäne oder ein Elektrizitätswerk, also ein Werk das dem Staat gehört; aber ich nehme an, dass Höttl Behörden meinte, etwa ein Ministerium und dazu ist zu sagen, dass das Amt III einen ständigen Einfluss auf die Personal-Politik der Ministerien weder anstrebte noch besass. Es war vielmehr, so, das Amt III und alle Personen die darin arbeiteten, selbstverständlich ein Interesse daran hatten, dass die Arbeits-Ergebnisse des Nachrictendienstes auch bei den Stellen die es anging, Aufnahme un Interesse fanden und verwertet wurden. Zu diesen Arbeitsergebnisse gehörte natürlich auch die Erkenntnis, welche das Amt III über führende Persönlichkeiten des öffentlichen Lebens, des Staates, der Verwaltung, der Kultur und der Wirtschaft gewann. Es wurde daher angestrebt, dass die Sachbearbeiter des Amtes III ein gutes Zusammenarbeitsverhältnis mit den leitenden Beamten in den Personalbüros der Ministerien gewannen und wenn ein solch gutes Verhältnis erreicht werden konnte, dann war es beispielsweise möglich, dass der Sachbearbeiter des Amtes III und der Personalsachbearbeiter de Ministeriums zusammen überlegten, welcher Professor für einen bestimmten Lehrstuhl an der Universität der geeignete Mann wäre. Es war aber nicht so, dass das Amt III nun bestimmen konnte oder Vorschläge machen konnte, wie folgende Beamtenstellen besetzt werden und nun ständig seine Vorschläge darüber machen konnte, die befolg werden mussten.

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Kommission I

F: Soweit also ein Einfluss bestand, in welcher Richtung machte der SD seinen Einfluss geltend?

A: Dazu möchte ich sagen, dass die objektiven und umfassenden Berichte und nichteinseitigen Berichte des SD für sich selbst sprechen auf allen Gebieten und auch auf diesem Personalgebiet.

F: Hat der SD seinen Einfluss in der Richtung geltend gemacht eine Verschwörung zu unterstützen oder Verbrechen gegen den Frieden, Verbrechen gegen die Menschlichkeit zu ermöglichen oder zu begünstigen? Sie können die Frage mit Ja oder Nein beantworten.

A: Absoulut nein.

F: Hatte der SD ein Veto dahingehend vorgesehen bei Beamteneinstellungen und Beamtenbeförderungen?

A: Nein.

F: Gab der SD auch über die Eignung von Personen zu Führungsstellen, also innerhalb der Partei, der Gliederungen oder angeschlossenen Verbände, Auskunft ab?

A: Der SD war in sogenannten parteiinternen Angelegenheiten ausgeschaltet. Es war insbesonders die Initiative Bormanns, das der SD in die Angelegenheiten der Partei sich nicht hineinmischen durfte. Deswegen wurde der SD niemals um eine Auskunft ersucht, wenn etwa ein Ortsgruppenleiter, oder ein Kreisleiter oder ein Gauleiter eingesetzt werden sollte. Er wurde von solchen Absichten nicht einmal informiert und erfuhr .....

F: Hatte der SD irgend einen Einfluss auf die Auswahl von Naziführern? Dies bezieht sich auf Seite 16 des "Trial"-Brief der deutschen Übersetzung?

A: Ich hätte das wissen müssen, weil die Bearbeitung der Parteiangelegenheiten zu meinen Ressort gehörte. Der SD hatte zu keiner Zeit Einfluss auf die Auswahl der Führer von Partei deren Gliederungen, oder deren Verbänden.

DR. GAWLIK: Ich habe keine weiteren Fragen mehr.

CAPT. TUBRIDY: Wollen wir jetzt eine kurze Pause machen?

(Die Kommission unterbricht auf 10 Minuten).

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DURCH LT. HARRIS:

F: Warum sind Sie in die NSDAP eingetreten?

A: Ich wurde 1938 zum Kreisleiter meiner Heimatstadt Aachen bestellt und befragt, warum ich nicht der Partei oder einer Gliederung oder der NSV angehöre und es wurden mir bestimmte Vorwürfe in politischer Hinsicht gemacht.

Dr. BERGES: Darf ich bitten, dass der Zeuge hier aufklärt, was Kreisleiter hier heisst in diesem Zusammenhang?

ZEUGE: Das war der höchste Naziführer für diese Stadt.

DR. BERGES: Ja, das ist mir unverständlich, denn ich habe den Zeugen so verstanden, dass er der höchste Naziführer wurde ohne in der Partei gewesen zu sein.

ZEUGE: Ich bin missverstanden worden. Ich war, wie ich sagte Rechtsanwalt in Aachen und gehörte nicht der Partei oder einer ihrer Gliederung an. Ich bekam eine Aufforderung zu dem Kreisleiter zu gehen und musste mich dort rechtfertigen.

DURCH LT. HARRIS:

F: Wer hat Ihnen gesagt, dass sie zum Kreisleiter gehen sollen und sich bei ihm zu verantworten hatten, warum Sie nicht in der Partei waren?

A: Ich entsinne mich nicht mehr, ob ich durch einen Brief oder durch das Telefon zu dem Kreisleiter gebeten wurde.

F: Es war also ein Befehl des Kreisleiters, dass Sie zu ihm kommen sollen, um über diese Sache zu sprechen?

A: Ja.

F: Und was haben Sie dem Kreisleiter gesagt, warum Sie nicht Parteimitglied geworden sind?

A: Ich sagte vorhin schon, dass mir andere Dinge vorgeworfen wurden. Es handelte sich um freundschaftliche Beziehungen zu Juden und die Vertretung von Juden als Rechtsanwalt.

F: Wer hat Sie deshalb beschuldigt? War das die Gestapo oder der Kreisleiter?

A: Das weiss ich nicht, woher die Kreisleitung diese Information hatte.

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Es wussten dies sehr viele Menschen in Aachen, denn die Tätigkeit eines Rechtsanwalts ist ja eine öffentliche und auch meine persönlichen Beziehungen mit Freunden und Bekannten waren in einer verhältnismässig kleinen Stadt in weiten Kreisen bekannt.

F: Wussten Sie, dass es eine Übertretung der Naziidee war, mit Juden freundschaftlich zu verkehren und die Juden zu vertreten?

A: Ja.

F: Und obwohl Sie wussten, dass das eine Übertretung war, haben Sie das dort noch gemacht?

A: Ja.

F: Sie haben nicht gedacht, dass Sie was falsches tun?

A: Nein.

F: Was haben Sie dem Kreisleiter erzählt, warum Sie nicht in die Partei eingetreten sind?

A: Ich habe erklärt, dass ich grundsätzliche Bedenken habe und dass ich ausserdem ein unpolitischer Mensch sei und niemals einer Partei angehört habe und mich auch nicht politisch betätigen will.

F: Was hatten Sie gegen das Nazisystem zu jener Zeit?

A: Zum Beispiel, ich war kein Antisemitist und bin kein Antisemitist.

F: Was wussten Sie über Atnisemitismus wie er von den Kreisleitern und anderen niederen Beamten betrieben wurde?

A: Es handelte sich um die Ausschaltung der Juden aus dem öffentlichen Leben Deutschlands.

F: Was hatte die Nazipartei mit dem zu tun? Was hatten die Block-, Zellen- unddie Ortsgruppenleiter damit zu tun?

A: Ich habe die Frage nicht ganz verstanden. Mit wem zu tun, mit dem Antisemitismus?

F: Ja.

A: Sie vertraten als Nationalsozialisten die Idee des Antisemitismus.

F: Ja, aber was haben Sie besonderes getan, dass Sie eine andere Stellung genommen haben zu dem Nationalsozialismus?

A: Ist die Frage so zu verstehen: Inwiefern die Ortsgruppen-leiter und Kreisleiter ihren Antisemitismus betrieben haben?

F: Ja.

DR. BERGES: Darf ich Einwand erheben, denn der Zeuge ist nicht zu diesem Thema verlangt worden und wird auch nicht in der Lage sein, auf Grund dessen, was er uns bisher gesagt hat, wirkliche generell richte Angaben zu machen.

CAPT. TUBRIDY: Der Zeuge hat ausgesagt, dass er ein Mitglied des SD war, also einer Gruppe die nach der Aussage der Zeugen mit an der Verschwörung teilgenommen haben. Diese Fragen sind an den Zeugen, als an seine Person gerichtet , um seine Taten und seine Ansichten aufzuklären. Sie sollen eine Auskunft darüber geben über den Wert der Aussagen, die er bis jetzt gemacht hat.

DR. BERGES: Also nur glaubwürdigkeits Fragen?

CAPT. TUBRIDY: Ja, in der Hauptsache glaubwürdigkeits Fragen.

ZEUGE: Darf ich bitten, die Frage noch einmal zu stellen?

(Deutsche Stenografin liest die letzte Frage noch einmal vor)

DURCH LT. HARRIS:

A: Ich war damals ja noch nicht Mitglied der Nazipartei und kann deshalb nur sagen, was ich als Aussenstehender davon feststellen konnte.

F: Ja, das ist in dem Sinn. Was haben die getan, um Ihnen den Eindruck zu geben, dass dieser Antisemitismus falsch ist oder nicht gerechtfertigt ist?

A: Ja, ich möchte folgendes sagen: Was ich von Seiten der Partei an antisemitischen Handlungen beobachtete war, was wir Propaganda nannten und das war in der Zeitung zu lesen oder in Reden zu hören, die durch den Rundfunk übertragen wurden oder in Zeitungen wie der Stürmer, der ja diese Idee vertrat.

F: Sie haben ausgesagt, dass Sie gesehen haben, dass die nationalsozialistische Partei es probiert hat, die Juden aus Deutschland auszuweisen. Was zum Beispiel haben die Ortsgruppen- die Block- und die Zellenleiter getan, um diese Ziele der Nazi-



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partei durchzuführen?

A: Das kann ich nicht sagen. Ich habe als Rechtsanwalt eine grössere Zahl von Juden betreut, welche die Absicht hatten auszuwandern und auch ausgewandert sind. Ich hatte Verhandlungen zu führen mit Staatsbehörden wegen der Freigabe bestimmter Vermögen, speziell mit den Zollbehörden, mit den Finanzämtern. Ich hatte in dieser Eigenschaft als Rechtsanwalt nichts mit Parteistellen zu tun gehabt, sodass ich also auch nicht sagen kann, dass die Parteistelle bei der Emigrierung der Juden aus Deutschland nicht damit beteiligt waren, abgesehen .....

F: Gut, Ihre Klienten haben Ihnen doch gesagt, was gemacht worden ist?

A: Ja.

F: Und was haben die Ihnen gesagt?

A: Ich hatte Klienten die in Deutschland Geschäfte hatten. Diese Geschäfte konnten Sie nicht mehr weiterführen. Sie hatten ein Verbot bekommen, dieses Geschäft weiter auszuüben und mussten ihre Vermögensinteressen in Deutschland liquidieren, um im Ausland eine neue Existenz aufzubauen.

F: Wer hat sie aus diesen Geschäften getrieben, war das die Partei?

A: Ja, das kann man nicht sagen. Das waren Anordnungen die durch den Staat festgelegt worden waren. Also die Nürnberger Gesetze waren ja Staatsgesetze und daraus ergab sich diese Konsequenz.

F: Welche Gruppe hat diese Befehle oder diese Gesetze ausgeführt?

A: Welche Behörde meinen Sie?

F: Ja.

A: Ja, da waren eine Reihe von Behörden beteiligt. Das Finanzamt spielte eine sehr grosse Rolle dabei, die Zollbehörde, weil der Hausrat und das persönliche Eigentum, das mitgenommen wurde, musste verzollt werden. Dann musste die Ortspolizeibehörde, das war also wohl wieder die Kriminalpolizei, die Pässe geben. Das waren also eine grosse Anzahl Behörden, die bei der Abwicklung

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dieser Geschäfte beteiligt waren.

F: Was für andere Gründe haben Sie dem Kreisleiter gesagt, warum Sie nicht in die Partei eingetreten sind, ausser des Antisemitismus?

A: Ich habe wie ich vorhin schon sagte auch erklärt, dass ich ein unpolitischer Mensch sei und mich nicht politisch betätigt habe vor 1933 und auch keine Neigung habe, mich jetzt politisch zu betätigen.

F: Was hat er Ihnen gesagt, warum Sie kein Mitglied der Partei werden sollen?

A: Er hat mir nicht gesagt, dass ich ein Mitglied der Partei werden soll, sondern er hat mir gesagt, ich soll Mitglied der NSV werden, der Nationalsozialistischen Volkswohlfahrt. Und er sagte mir ferner, ich soll mich in dieser Wohlfahrtsorganisation betätigen.

F: Haben Sie das getan?

A: Jawohl.

F: Sie haben doch gewusst, wenn Sie diesem Befehl nicht nachkommen, dass Ihre Rechtsanwalt-Existenz darunter sehr leiden würde?

A: Es ist mir nicht in dieser Hinsicht gedroht worden, aber ich hielt es für zweckmässig der NSV beizutreten, zumal es sich ja hier um eine ausgesprochene spziale Einrichtung handelte, die mit Weltanschauung und Politik nichts zu tun hatte.

F: Sie waren nicht mit der nationalsozialistischen Weltanschauung einverstanden?

A: Nein, nicht 100 %ig, nur zu einem Teil.

F: Zu welchem Teil stimmten Sie nicht überein?

A: Wie ich schon sagte gegenüber dem Antisemitismus und darüber hinaus als Jurist gegenüber der Durchsetzung des sogenannten Führerprinzips bis in die kleinsteEinheit des öffentlichen Lebens. Ich war Jurist liberaler eingestellt oder Sie nun sagen wollen demkratischer.

F: Mit anderen Worten waren Sie gegen eine Diktatur, wie sie unter Hitler bestand?

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A: Das würde heissen, dass die Ortsgruppen-, Block- und Zellenleiter die Menschen also bespitzelt hätten? Ich habe bevor ich selbst in die NSV kam überhaupt nicht gewusst, welcher Zellenleiter für mein Haus zuständig war. Also so kann man das nicht sagen.

F: Aber Sie wussten doch, dass, wenn Sie einem solchen Ihre Meinung bezüglich des Antisemitismus äussern würden, dass es die Aufgabe der Politischen Leiter war dies zu melden und dass Sie deshalb aus der Opposition herausgingen und in die Partei hinein

A: Nein, so kann man das nicht sagen. Ich habe meine Ansichten über die verschiedensten Ereignisse offen geäussert. Ich erinnere mich, dass war nicht nur ich allein, sondern auch eine Reihe meiner Collegen. Wir hatten im Gericht ein Anwaltszimmer, genau wie hier auch, dort wurden täglich Gespräche geführt über das war passierte und dort wurden sehr offen auch die Massnahmen kritisiert. Es war also nicht so, dass wir Angst gehabt hätten, verhaftet zu werden. Das ist übertrieben.

F: Ich glaube, Sie haben mich falsch verstanden. Ich habe nicht von den juristischen Fragen gesprochen, die die Anwälte selbstverständlich das Recht hatten, sie zu kritisieren. Ich spreche von allgemeinen Äusserungen der Bevölkerung. Es war doch im allgemeinen bekannt, dass es die Aufgabe war der verschiedensten Parteibeamten, irgendwelche Ausserungen, wie zum Beispiel gegen den Antisemitismus aufzufangen und sie dann weiterzumelden?

A: Nein. Bei diesen Gesprächen die ich erwähnte, handelte es sich nicht um juristische Fragen. Selbstverständlich werden in einem Anwaltszimmer juristische Fragen besprochen. Es wurden die Fragen des Tages besprochen, was eben in der Innen- und Aussenpolitik vor sich ging und solche Gespräche wurden nicht nur in Zimmern der Anwälte besprochen, sondern überall. Ich will nur zum Ausdruck bringen, dass ich mich in meiner Opposition nicht bespitzelt fühlte.

F: Mit anderen Worten, wenn Sie vorhin sagten, dass Sie in die Partei eingetreten sind, damit Sie Ihre Meinungen und Ideen

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weiterleiten können, so ist also diese Aussage falsch?

A: Ich kann keinen Widerspruch finden. Es ist etwas anderes ob ich mich mitBekannten oder Kollegen kritisch äussere über irgendwelche Ereignisse oder ob ich vorsätzlich innerhalb der Partei nun eine bestimmte andere Revolution herbeizuführen. Das eine sind ja praktisch nutzlose Diskussionen, während das ande eine gewisse aktive Arbeit ist.

F: Das ist genau von dem was ich spreche. Ich meine gerade Sie haben doch gewusst, wenn Sie als ein Zu sonseiter Ihre Opposition gegen die Partei äussern, dass Sie evtl. in Schwierigkeiten geraten können?

A: Ich habe gemeint, dass es nutzlos ist, ausserhalb zu stehen und zu kritisieren als Akademiker, der sozusagen Angehöriger einer geistigen Führungsschicht ist und dass unter alle Umständen erreicht werden muss, dass die Angehörigen dieser Sch irgendwie politisch mitzusprechen haben und dazu war allerdings erforderlich, dass man in die Partei hineinging.

F: Was haben Sie gedacht, als sie dem SD beitraten?

A: Ich habe von der Existenz, dem Bestehen des SD erst ganz kurz bevor ich inden SD eintrat, erfahren. Ich wurde zu Kriegsbeginn Soldat und es wurden denn vom SD Juristen gesucht für eine Juristentätigkeit. Ich war bei einer Truppe für die ic mich nicht eignete, es war eine Bautruppe, für die ich körperlich nicht ausreichend war. Deswegen habe ich die Gelegenheit benutzt die sich hier bot und habe mich erkundigt, was das für eine Aufgabe sei und ich erkannte sofort, dass es eine Aufgabe ist, in der ich meine kritische Einstellung auf meinem Berufsgebiet zur Wirkung bringen konnte.

F: Sie haben jetzt 5 Minuten lang gesprochen, ohne meine Frage zu beantworten.

A: Dann habe ich leider die Frage nicht richtig verstanden.

F: Ich habe Sie gefragt, ob Sie gewusst haben zur Zeit als Sie in den SD gegangen sind, was der SD war?

A: Mir war erklärt worden und dies bestätigte sich für mich auch, dass der SD eine Institution zur Erfahrung der öffentliche

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Meinung war. So kann man in grossen Zügen sagen.

F: Hat Ihnen jemals Jemand gesagt, dass der SD eine Spionageabteilung der SS in der Partei im Nazi-Staat war?

A: Das hat mir niemals jemand gesagt, aber ich habe auch niemals den Eindruck gewonnen, dass der SD , ich spreche jetzt vom Nachrichtendienst, Amt 3, Spionage getrieben hat.

F: Wie hat der SD, Amt III seine Auskünfte bekommen?

A: Ich nehme an, dass der Herr Ankläger das Material meint, das der SD verwertete in seinen Berichten.

F: Hat der SD Vertrauensleute angestellt?

A: Angestellt in dem Sinne, dass Sie einen Vertrag hatten und bezahlt wurden diese nicht. Wir nannten das ehrenamtliche Mitarbeiter. Ich selbst bin natürlich besoldet worden.

F: Hat der SD Ihre Bericht dadurch bekommen, dass Leute, sogenannte ehrenamtliche Angestellte, also Vertrauensleute, die auf geheimen Wege diese Informationen bekommen haben und sie an gewöhnliche Agenten weitergegeben haben?

A: Wenn Sie mich als bezahlten Agenten bezeichnen wollen, muss ich dagegen protestieren. Der Ausdruck Agent hat für uns Deutsche einen unangenehmen Klang. Aber wenn zum Ausdruck gebracht werden soll, dass Referenten des SD, wie ich z. B. einer war, Meldungen von den Vertrauensmännern bekamen, so stimmt das, aber der Ausdruck, den der Herr Ankläger benützte, auf geheimen Wege - ist mir nicht ganz verständlich.

F: Wann sind Sie vom SD-Hauptamt III angestellt worden?

A: Ende Januar 1943.

F: Haben Sie diese Berichte über diese staatlichen Angestellten, von denen Sie gesprochen haben, gesehen?

A: Ich habe Auskünfte über staatliche Beamte zu tun gehabt, bei den Dienststellen, die ich zuerst genannt habe, Berlin, Aachen und Hamburg.

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Beim Amt III hatte ich mit Parteiangelegenheiten zu tun, also es waren keine Meldungen über Beamte, sondern Meldungen über Parteiangehörige, Parteiführer usw.

F: Sie wissen doch, dass Sie die Frage überhaupt nicht beantwortet haben. Sie probieren es, besonders diese Frage nicht zu beantworten.

A: Nein, ich bin gefragt worden, ob ich derartige Auskünfte gesehen habe.

F: Sie haben die Frage nicht beantwortet. Antworten Sie mit ja oder nein.

A: Ja.

F: Das ist doch ganz einfach. Das ist eine sehr einfache Frage und so eine sehr einfache Antwort.

Wie haben diese Auskünfte ausgesehen?

A: Diese Auskünfte, das waren Berichte, wie ich sie vorhin schon geschildert habe, also eine Darstellung des Lebenslaufes, des beruflichen Werdeganges usw.

F: Haben diese Auskünfte den Namen der betreffenden Person getragen?

A: Welcher Personen?

F: Von denen sie sprechen?

A: Das musste ja natürlich sein.

F: Sie nennen das einen Bericht über grundsätzliche Fragen, über grundsätzliche Idee.

A: Diese Frage ist mir nicht verständlich.

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F: Dann hat der Hauptteil solcher Auskünfte Berichte dargestellt,über Lebenslauf, berufliche Werdegänge usw.?

A: Ja, das war die Regel.

F: Und an Ende des Berichtes war da sei eine Art Zusammenfassung

A: Das machten die einzelnen Dienststellen, von denen solche Meldungen kamen, verschieden. Einige machten nur eine Aneinanderreihung von Tatsachen und andere brachten einen Schlussatz.

F: HabenSie die endgültigen Berichte gesehen, die von Amt III ausgegangen sind an diese staatlichen Behörden, die diese Auskünfte interessiert haben?

A: Ich sagte vorher in der Antwort, die der Herr Ankläger beanstandete, dass ich im Amt III keine Beamten beurteilt und keine Auskünfte gemacht habe, sondern im Amt III habe ich Personalberichte über Leute der Partei gemacht.

F: Also, was Ihnen wirklich vertraut war, ist Ihre Erfahrung in den Abschnitten und Leitabschnitten, wo Sie Ihre Berichte abgaben. Es fing an in Amt III bei den verschiedenen Angestellten und Beamten? Also Ihre Erfahrung, die Berichte betreffend ist begründet auf die Zeit, die Sie in den Bezirksämtern des SD verbrachten und als S: die Berichte aus diesen Ämtern nach Amt III weiterleiteten?

A: Richtig. Ich habe im Amt III aber gewusst, schon während ich bei den Abschnitten war, wie dort diese Berichte behandelt werden.

F: Aber Sie haben doch gesagt, dass Sie nie einen fertigen Bericht gesehen haben, der vom Amt III an die Behörden gegangen ist, von welchen diese Berichte verlangt wrden sind?

A: Es mag sein, dass ich bei Kollegen solche Berichte gesehen habe. Ich kann durchaus sagen,wie ein solcher Bericht aussah, den

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F: Sie haben doch eben gesagt, dass Sie die fertigen Berichte nicht gesehen haben, jetzt sagen Sie wieder, Sie haben solche gesehe Sie müssen doch wissen, ob Sie welche gesehen haben oder nicht.

A: Die fertigen Berichte würde bedeuten, dass ich eine grosse Anzahl oder alle diese Bericht gesehen habe. Ich kann sagen, das

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Amt III hat gute Berichteweitergegeben und derartige Berichte kenne ich in grösserer Anzahl.

F: Am Ende dieser Berichte war eine Befürwortung der betreffenden Person oder eine Zusammenfassung der Tatsachen, nicht wahr?

A: Ich sagte schon, es wurde unterschiedlich gehandelt. In vielen Berichten war eine derartige Schlussfolgerung.

F: Was waren Ihre Befehle auf dem Arbeitsgebiet, für welche politischen Punkte sollten Sie sich interessieren?

A: Wenn ich richtig verstanden habe, bin ich gefragt worden, welche speziellen Sachgebiete ich im Amt III zu bearbeiten hatte

A: Sie haben gesagt, die Berichte hatten politischen Hintergru eines Mannes, seine politische Ideologie?

A: Ja.

F: Und ich glaube, diese Vertrauensleute berichteten, dass sie erfahren haben, dass die und die Person eine Äusserung gemacht hat gegen den Antisemitismus.

A: Als Tatsache, ja.

F: Und das war die Arbeit solcher Vertrauensleute, Erfahrungen über solche unbekannte Leute zu sammeln, da es sonst nicht möglich war auf irgend einem anderen Weg solche Berichte zu bekommen?

A: Ich sagte schon, dass es nicht ausschlaggebend und einseitig auf die politische Einstellung ankam, das war nur ein Punkt unter vielen.

F: Ich verstehe das, aber Sie beantworten meine Frage nicht. Das ist eine ganz einfache Frage, die Sie mit ja oder nein beantworten können.

A: Wenn jemand sich gegen den Staat und Partei äusserte, dass es ein anderer hören konnte und ein Vertrauensmann das auch hören konnte, so gab er das selbstverständlich weiter.

F: Sie haben doch die Akten in den Abschnitten unter sich gehabt, nicht wahr?

A: Die musste ich jederzeit zur Verfügung haben.

F: Ich möchte wissen, ob Sie irgendwelche Akten von Personen gehabt haben, von denen Sie erwarteten, dass über sie Auskünfte verlangt werden.

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A: Die Akten wurden dann angelgt, wenn irgendwieMaterial kam, z.B. eine Anfrage

F: Können Sie weiteres darüber erklären?

A: Ja.

F: Ich interessiere mich für diejenigen Punkte.

A: Wenn ich richtig verstanden habe, will der Herr Ankläger den Arbeitsgang einer derartigen Auskunft erfahren.

F: Ich frage Sie etwas anderes. Wenn also von Vertrauensleuten über andere Personen Berichte in Ihr Büro kamen, dann wurden Akten angelegt, für den Fall, dass später angefragt wird, nicht wahr?

A: Wenn in einem Bericht, .....ich muss ein Beispiel geben, sonst kann ich mich nicht verständlich machen. Ich spreche nicht von einzelnen Untersuchungen oder Nachforschungen, sondern im ganzen. Ich werde ein typisches Beispiel geben.

Es kam der Bericht eines Vertrauensmannes über die Rechtssprechung in bestimmten Strafsachen. Es wurde festgestellt in diesem Bericht, dass die Bevölkerung mit der Rechtssprechung in Kriegswirtschaftsverbrechen nicht einverstanden war. Es hiess dann in diesem Bericht, der Richter Müllerurteilt nach Ansicht der Bevölkerung zu streng oder zu mild. Dann interessierte sichder SD für den Richter Müller und dann wurde ein Auszug aus diesem Bericht angefertigt und in eine Akte getan.

F: Unter welchem Namen, unter Müller?

A: Ja.

Ein anderes typisches Beispiel. Der Richter Müller oder ein Richter Schmidt sollte befördert werden. Die Partei frug beim SD an, was über den Richter Schmidt beim SD bekannt war. Dann wurde festgestellt, ob der Richter Schmidt vielleicht schon eine Akte hatte und wenn er keine Akte hatte, was die Regel war, so wurde jetzt eine Akte angelegt.

F: Das ist genau, was ich wissen will.
Erzählen Sie mir, was Ihre Aufgabe war im Amt III nach 1943, als Sie mit der Untersuchung von Parteimitgliedern betreut waren?

A: Das Referat, in welchem ich arbeitete und leitete, hiess "allgemeines Volksleben". Es war meine Aufgabe, die Entwicklung der allgemeinen Stimmung der Bevölkerung im ganzen Reichsgebiet laufend festzustellen, anhand der Berichte, die aus den verschiedenen Abschnitten kamen, um darüber wieder zusammenfassend Berichte zu machen. Es gab nun viele Dinge, die die Stimmung des Volkes oder einzelne Teile davon negativ beeinflussten.

F: Ich glaube, Sie haben mich vorhin falsch verstanden. Sie haben vorhin gesagt, dass Sie im Amt III mit der Partei zu tun hatten.

A: Ich komme gleich darauf. Unglücklich wurde die Stimmung der Bevölkerung unter Umständenbeeinflusst, wenn Personen des öffentlichen Lebens, insbesondere Parteiführer sich nach Ansicht der Bevölkerung schlecht benahmen. Es wurde in der Bevölkerung, je mehr der Krieg kritisch wurde, das Verhalten der führenden Männer sehr genau beobachtet. Und es wurde in der Bevölkerung über manche Parteiführer sehr kritisch gesprochen. Diese Äusserungen der Bevölkerung wurden jetzt von den Vertrauensleuten des SD aufgefangen. Eswar nun meine Aufgabe, diese kritischen Äusserungen über diegesamte Führung oder über einzelne Führer zusammenzustellen zu einem Bericht, der dann weitergegeben werden sollte.

F: Wohin gingen diese Berichte?

A: Wir (Amt III) versuchten diese Berichte bei solchen Stellen oder Führern anzubringen, die in der Lage waren, diese Misstände abzustellen. Das war in der Hauptsache Bormann, alsOberster Chef der Partei - ich meine nicht Oberster Chef, das war ja Adolf Hitler, ich meine als Leiter der Parteikanzlei.

F: Und diese Berichte wurden dann auch unter denNamen in Ihren Akten Ihres Büros zurückgehalten, nicht wahr. Wurden diese Berichte immer über einzelne Personen ausgestellt oder über eine ganze Reihe von Personen?

A: Im allgemeinen waren es Berichte über einen Kreisleiter oder Gauleiter oder Minister oder Reichsleiter.

F: Und die waren als einzelne Person in den Akten Ihres Büros festgehalten, jeder hatte einenAkte?



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A: Das ist etwas, was ich auf eigene Verantwortung angelegt habe. Diese Akten befanden sich bei mir im Panzerschrank. Das waren keine offiziellen SD-Akten, das durften wir ja nicht haben.

F: Die Berichte, die von den Vertrauensleuten durch die Abschnitte gekommen sind, wurden meistens über einzelne Personen gemacht, nicht wahr?

A: Wie ichschon sagte, überdas schlechte Verhalten einzelner Parteiführer.

F: Die Antwort ist ja, nicht wahr?

A: Ich bitte auf jeden Fall, die Frage zu wiederholen.

F: Die Berichte, die von den Vertrauensleuten durch die Abschnitte gekommen sind, wurden meistens über einzelne Personen gemacht, nicht wahr?

A: Das Objekt dieser Berichte war eine führende Person der Partei

LT.HARRIS: Ich habe keine weiteren Fragen mehr.

DR.BERGES: Ich habe eine Frage.

DURCH DR.BERGES:

F: Herr Zeuge, Sie haben in Ihren Bekundungen vorhin den Unterschied zwischen Beurteilungen staatlicher Hoheitsakte, wie sie diese nannten, und politischem Auskünften herausgestellt. Gebe ich zusammenfassend den Begriff des staatlichen Hoheitsaktes richtig wieder, wenn ich sage, dass es sich um eine Beurteilung handelte, die gegenüber jedermann Gültigkeit hatte?

A: Ja, die in deutschen Rechtsbegriffen bindende Wirkung gegenüber jedermann hat.

F: Und der Unterschied bei der politischen Auskunft ist, der, dass der Auskunftgebende nur Tatsachen berichtet, nicht wahr?

A: Und wenn, wie der Herr Ankläger schon sagte, und wie ich auch bestätigte, war es möglich, dass am Schluss ein Resume das ist eine Zusammenfassung der ganzen Sache war, dann hatte das keine bindende Wirkung.

F: Meine Frage geht dahin, ist Ihnen bekannt, wer von den politischen Leitern eine derartige bindende Beurteilung abgeben durfte?

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A: Meines Wissens, nur vom Kreisleiter an aufwärts.

F: Danke schön.

DURCH DR.GAWLIK:

F: Zu welchem Zweck wurden die kritischen Äusserungen über führende Personen der Partei und des Staates zusammengestellt? Verfolgte der SD den Zweck gegen diejenigen vorzugehen, die diese Äusserungen getan hatten oder war das ein anderer Zweck?

A: Es war nach unserer Ansicht ein sehr wichtiges politisches Faktum, wie das Vertrauen des Volkes zu den führenden Männern war und ein solches Faktum musste der Führung von einem Nachrichtendienst bekanntgegeben werden. Wir hatten, wie in allen Dingen, keinen Einfluss, ob ein Kreisleiter oder Gauleiter daraufhin abgelöst wurde.

F: Sie haben meine Frage nicht ganz beantwortet. War es der Zweck gegen diejenigen Personen vorzugehen, die diese Äusserungen über führende Personen getan haben?

A: Nein, diese Personen wurden gar nicht genannt?

F: Ich wiederhole meine Frage nochmals:
War es der Zweck gegen diejenigen Personen vorzugehen, die diese Äusserungen über führende Persönlichkeiten gemacht haben?

A: Die Vertrauensmänner brauchten die Namen dieser Leute nicht zu nennen, das wurde von ihnen nicht verlangt.

F: Wie wurden dann diese Äusserungen in den Berichten wiedergegeben?

A: Etwa so: Die ganze Bevölkerung der Stadt (x) spricht davon, dass der Kreisleiter das und das getan hat.

F: Wie war die Situation des SD zu der Zeit, als Sie zum Reichsicherheitshauptamt kamen?

A: Der SD hat damals, aber auch schon vorher, sehr grosse Differenzen gehabt, sowohl mit der Parteikanzlei, speziell mit Bormann der den SD ablehnte, aber sogar auch mit Himmler, der auf die Meldungen des SD nicht viel gab. Das war sehr schwierig. Es wurde uns immer vorgeworfen, wir seien Pessimisten, Defaitisten usw. wie man es nannte und wir würden gegen die Partei eingestellt sein.

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DR.GAWLIK: Danke schön. Ich habe keine weiteren Fragen mehr.

CAPTAIN TUBRIDY: Ich denke wir werden uns jetzt bis um 2 Uhr vertagen.

(Woraufhin sich die Kommission bis um 1400 Uhr des gleichen Tages vertagt.)

Unterschrieben:

Grete Maier
Gerichtsstenograph

Therese Brander
Gerichtsstenograph

Betty Bauer
Gerichtsstenograph

Beglaubigt:

Josef F.Tubridy
Beauftragter.

H0988-0059



OFFICIAL TRANSCRIPTION TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS? TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Captain Joseph Tubridy.

THE S.D.

(THE COMMISSION CONVENED AT 1000 HOURS.)

DR. ALFRED HOENGEN? a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Will the witness stand, raise his right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath.)

Q What is your name?

A Alfred Hoengen.

Q You may sit down.

(DIRECT EXAMINATION.)

BY DR. GAWLIK:

Q Through the testimony of the witness, Hoengen, I want to prove that the statement of the prosecution:

(a) That the SD checked the trustworthiness and reliability of the civil servants in connection with their complete agreement to the Nationa l Socialitic ideas and Hitlers' leaders is not correct

(b) That the SD in no way influenced the selection of the Nazi leaders as stated under page 10 of the trial brief in the German translation.

We will also attempt to prove that insofar as information concerning civil s rvants was given, it was not given for the followin reasons:

(a) To add a conspiracy.

(b) To bring about crimes against the peace, war crimes or crimes against humanity, that this information was not to aid these crimes or to bring them about.

Q I am just going to ask a few questions in order to prove that the witness has the necessary information to make such statements.

How long have you been a member of the SD?

A Since May of 1940.

Q How long have you been a member of the NSDAP?

A Since January 1, 1940.

Q Since when were you an SS?

A Since the end of 1941.

Q What offices were you active in in the SD?

A I was in the SD sector at Aachen; SD main sector at Hamburg the SD main sector in Berlin and in Amt. 3.

Q In what capacity were you active in these offices?

A I was chief of the sectors.

Q What did you work on - what was your duties?

A In the various sectors of the SD I worked in the section of law and administration in Amt.III-a and I worked in general public life, which was first 3a4 and later Amt. 3a1.

Q You also worked on personnel changes?

A Yes.

Q From what time on do you have the information concerning the personnel information plans of the SD?

A Through looking through old files and talking to my superiors and co-workers, I can give information as far back as 1935 and 1936.

Q What is your occupation?

A Lawyer.

Q Who named or who appointed these civil servants and who advanced them?

A The state officers and the section officers, the state administration and the local administration.

Q Who also took a part in the appointment of civil servants and their advancement?

A After the German civil servant laws, the NSDAP.

Q What office did the NSDAP or the party use for that purpose?



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A There were various offices which were questioned in connection with these appointments, for instance, the local police. They also checked with the local court if there had been any previous sentences, then the labor or Arbeitfront, the party, the professional groups, depending upon what the person was working in. For instance, the law association, the medical association, the association of professors at the University, all depending of course on what their jobs w re and also the person's use to the SD.

Q hat was the reason for all this information?

A This information was used by the party for the so-called political certificate or political judgment of the various officers.

Q Was there any difference between the political judgement by the Hoheitstraeger or the higher party officers and the SD?

A The judgement of the Hoheitstraeger was what we called the Hoheitsact which meant that it had a constitutional value. It was an important or valuable judgement. The judgement which came from the various other organizations which I mentioned before were information of facts and therefore was not a judgement, but only a statement of facts.

Q What do you understand as to the Hoheitsact?

A The word Hoheitsact act or Hoheits file is an old German administrative term. In other words, it is not just the statement or form of the National Socialistic law. For instance a Hoheitsact is all the files of the court affairs such as affairs of criminal courts, concessions, as well as permits to build, permits of all sorts and also the information of the other legal files.

Q Was the information of the SD a Hoheitsact file.

A No, it was not a Hoheitsact file.

Q Was this difference prescribed by law?

A Yes, the party chancellory issued information as to the difference between political judgement and political information. It also designated that only the information by the Hoheitstraeger was to be supposed to be recorded as a Hoheitsact.

Q Did the information given by the SD have any importance in the appointment or advancement of civil servants?

A The information of the SD was "sine qua non" that is it was something that did not have to be absolutely obeyed and the Hoheitstraeger was in no way

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tied to use the information by the SD.

Q What was the purpose of the SD information concerning these civil servants?

A We had to make a difference between times. As long as Amt. 3 did not exist, it was the duty of the SD upon orders from the NSDAP to give information concerning future civil servants and those to be advanced from its information, which consisted mostly of reports by old members. These matters were taken care of in the old Amt. 1 in the office which at that time was called Amt III. When Amt. 3 was formed, this old material and the old files on the whole went over to the Gestapo, later on as Amt. 3 was organized, it became the duty of Amt. 3 to give information according to the lines given to us as an information branch. The information, which was given to us by this group, was called by us "Information on the Fear of Public Life." It was the purpose from this information to present the man by the SD as he actually was in his past or in his daily life. It was supposed to give a complete picture of his personality and character. This information was supposed to give his past life, his professional career, his schooling such as University and College career; his family background, his financial background, what kind of social circles he moved in, his political past, his political present and the knowledge he had of the field in which he was supposed to be working. This information was compiled not by a person who had no information whatsoever concerning the position that this information was given out for. For instance, if it concerned a member of the law profession, then one of the SD co-workers with a lawyer background took care of that. If it concerned a man with an economic background, then an economic membr of the SD compiled this information; if it concerned a man with a cultural background, then it was a man in the SD who compiled the information who also had cultural background. In other words, what I want to point out is that the civil servant that was being investigated or checked was not just checked for one single phase of his life, not for instance just his political phase, but his entire life or background. It was not checking just one particular point. In other words, a single action or a single phase of his life was not considered to be highly irrelevant, but we considered his entire background and past and actions.

I want to say that we attempted to show this information how this public official was looked upon by the public - just what the

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public opinion was.

Q. The prosecution maintains that the reason for the screening and information of public officers of the SD was so that the officers would be put into leading positions which could be used later on for conspiring to carry out crimes against the peace, war crimes, etc. Would you please make a statement concerning this.

A. I cannot answer the question of the conspiracy -only give my impression

Q. Your personal impression is not important, but the impression of the SD members.

LT. HARRIS: I object to that. I think the witness is qualified to state what his personal impression is, but he is not qualified to state his impression of other people. It is impossible.

DR. GAWLIK: He is supposed to give information and can give informatic as to the purpose, which was the aim of the SD leadership -by that I mean the Reichs Security Main Office in which he was active.

CAPTAIN TUBRIDY: Please insturct the witness not to answer until the question of the objection is ruled upon.

DR. GAWLIK: Wait until the o jection is ruled upon before you answer.

CAPTAIN TUBRIDY: I think Lt. Harris' objection is a valid one. You cannot testify as to someone else's impression unless you know what it was you would be getting away from that which would really consist of your knowledge.

DR. GAWLIK: He is not supposed to give the opinions and impressions of all the other members. He was in charge of the personnel information branch of the SD. Being in charge, he should know the goal of this information bra

CAPTAIN TUBRIDY: The objection is based on the fact that the witness is testifying as to the impression of others. What we are trying to get at here are facts.

Yes, if we could avoid people's impressions generally, I think the evidence which we get here would be of great weight.

DR. GAWLIK: Was the objection over-ruled ?

CAPTAIN TU RIDY: We will over-rule the objection.

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BY DR. GAWLIK:

Q. Please give me the facts about which we can draw the conclusion as to the purpose of this information.

A. I did not know, nor did I have any impression that there existed any conspiracy within the SD and in my talks with my co-workers and superiors, I never got the impression that such a conspiracy did exist, especially in the information branch of the SD. We never received any decrees or directives from either the party or the SD that could lead one to suppose that such a conspiracy actually existed. W hen we received the information concerning a public servant, we sent this information to the people asking the question -that is everything we knew concerning this person.

We were not asked if certain people had the special characteristics whic were necessary for a person to participate or in any way be connected with a conspiracy. I would consider under these characteristics for a person to participate or take part in a conspiracy, he would have to be absolutely obedient, if he is a person without scruples and a person who is ready to be used as a tool for any kind of action.

CAPTAIN TUBRIDY: We are not interested in what the witness considered as the necessary characteristics for an individual to take part in a conspirac

DR. GAWLIK: Please only given me the facts.

BY DR. GAWLIK:

A. The further fact that where was no group within the state or the party that was known and regarded as a group formed for a conspiracy and the relation with this highest leadership group. By that, I mean the relationship bet ween the various ministers and high officers of the party and its organizatior. This group was not a closely tied group, but within this group there was a great difference of opinion and people who cintinually opposed each other. The further fact is that the SD did not hear anything about a common goal of this leadership group -that is a common goal as far as a conspiracy is concerned.

Q. The prosecution claims that the basis on which these officers were judged was a complete dependability to the Nazi point of view and to Hitler's leadership. This question concerns page 16 of the trial brief -German translation. What can you say concerning this ? Is that corredt ? Is this the measurement or were their other measurements relative to this ?

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A. First of all, I have already stated that the SD did not give any judgment -just information or facts. If it was a fact that a public officer or a person had openly stated his opposition to the party or to the state, then this was included in the information. As I already stated this person was not judged by just one part of his life. For instance, his statements or his actions toward the state or the party, but his general public life among whic his political opinions were a part.

Q. Dr. Hoettel stated in a sworn statement, PS 2614, that it was the goal of the SD to put in the leading positions only those persons who were 100 % followers of the National Socialist party and any other public officers it wa attempted to have removed.

A. Dr. Hoettel never worked in Amt. 3 and I do not think he know much of duties of the information center or brandh, otherwise he would not have made such a statement. If the statement of Dr. Hoettel is correct, then it would mean that the SD was involved in personal politics. We always considered it a fact that politics were not a part of the activities of the Information Bureau of the country. It was not the goal of Amt. 3 -that is the informati branch- to put only 100 % Nazis in leading positions, but to put the persons best qualified as far as character and dependability was concerned. The SD also did now fight against the other high ranking officers or members, since that would have been an executive action -an action which should have been in the hands of the police and judges. Such work was not done by the DS or was not attempted by the SD.

Q. Dr. Hoettel also stated that the SD had an important influence in the judgment of personnel officers in many state departments. Would you give us your opinion concerning this ?

A. I don't quite understand what he means by a state department. By tha it is usually meant a public service, such as a reduction in electricity, e He may mean an official state or Government department, for instance a mini try. Concerning this, I want to say that the SD did not have any influence on the personnel policies of these various official departments and ministr and it did not attempt to have any such influence.

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Of course, the SD was interested in the fact that the information, which they compiled and passed on to the organizations or groups requesting it, that the information would be used by them. Of co rse, this information of the SD concerned all high ranking officers, the state officers, who were well known and epople who were well known in public life, besides those working in administration, law or culture. It was therefcre intended that the individual experts or men working in Amt. 3 on these matters were in good relation to the personnel services of the official departments, such as the Ministry, etc. If such a good relationship was accomplished by the experts in Amt. 3 and the personnel chief in the ministry, then it was possible that these two men could get together and jointly decide or try to figure out what Professor for instance would the best choice for a certain job within a University, however, th SD did not have the power to order or even suggest as to what person would be best qualified for a certain position. It did not have the power and did not suggest as to what person would be most qualified. In this way, the SD did no have the power of supervision over these various positions or new placements.

Q. In other words, as far as there was some kind of influence, in what dire tion did the SD use its influence ?

A. I want to s tate on this point that the objectives and large reports give by the SD were not one sided and did not take one side or the other. They spo ke for themselves, that was true not only in the personnel section of the SD, but in every sectionl

Q. Maybe you can answer this question with "yes" or "no" ? Would it be the purpose to aid and bring about the conspiracy for crimes against the peace crimes against humanity and war crimes ?

A. Absolutely no.

Q. Did the SD have the veto power against proposed names of officers and ad vancements ?

A. No.

Q. Did the SD also give information concerning the capabilities or reliability of political leaders for political jobs, that is higher jobs in the party and the organization ?

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A. The SD was completely excluded from the internal affairs of the party and it had nothing whatsoever to say concerning appointments within the party or its organization, that was especially due to the objections of Bormann that the SD was not allowed to mix itself in the party affairs. Therefore when a position like Ortsgruppenleiter, Gauleiter or even Kreisleiter, then the SD was not questioned concerning the reliability of the person. In fact, the SD was not even informed that such a post was supposed to be manned.

Q. Did the SD have any influence whatever in the selection of Nazi leaders ! This concerns page 16 of the Trial Brief, German translation ?

A. I, as the responsible person within the SD., should have known of any such influence and I state that the SD at no time had any influence whatsoever on promotions or naming of party officers or officers of the associated organizations and groups.

DR. GAWLIK: I have no further questions .

(The Commission recessed at 1120 hours.)

H0988-0068

BY LT. COMMANDER HARRIS:

Q Why did you join the SA and the Nazi Party?

A In 1938, I was made Kreisleiter of my own town of Aachen, and at that time I was asked why I had not joined the Nazi Party or the National Socialist Welfare Organization, the NSV, or some other organization of the Party. In that respect I was accused to some extent of not having participated.

DR. GAWLIK: Would the witness please clarify what he means by Kreisleiter in this connection?

WITNESS: I was the highest Nazi leader for that town.

DR. GAWLIK: Then, did I understand the witness correctly as saying that he was the highest Nazi leader in that town without having been a party member?

WITNESS: I was misunderstood. I became a lawyer in 1938 and at that time I received an order to go to the Kreisleiter and explain why I had not become a party member.

BY LT. COMMANDER HARRIS:

Q Who told you to go to the Kreisleiter and explain why you had not become a member of the Nazi party?

A I don't remember whether I was asked to go to the Kreisleiter by letter or by phone.

Q Well, it was a request from the Kreisleiter's office that you come and report in order to explain why you had not joined the Nazi Party, is that right?

A Yes.

Q And what did you tell the Kreisleiter as to why you had not become member of the Nazi party?

A I already stated before that among other things I was accused of having friendly relations with Jews and having taken Jewish cases as a lawyer.

Q Well, who accused you of those offenses? Did the Gestapo accuse you or the Kreisleiter?

A I don't know where the Kreisleiter got his information. My actions and my relations with other people were well known to

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a lot of the people in that town since the life of a lawyer generally is rather public, and my friends and acquaintances were rather well known in this comparatively small town.

Q Well, did you know that it was an offense against the Party and the Nazi system to represent Jews?

A Yes.

Q And knowing that it was such an offense, you went right ahead and represented them, is that right?

A Yes.

Q You didn't think that was wrong?

A No.

Q And then, what did you tell the Kreisleiter as to why you had not joined the Party?

A I told the Kreisleiter that I had some basic thoughts against this idea, that I was not a political person, and that I had never before participated in any political activity.

Q What were the objections that you had to the Nazi system at that time?

A For instance, the anti-semitism. I was not anti-semitic then and I'm not anti - semitic now.

Q Well, what did you know about anti-semitism as carried out by the Kreisleiter and the lower party officials?

A It consisted of the removal of the Jews from the public life of Germany.

Q What did the Nazi Party have to do with that? What did the Blockleiter, the Zellenleiter, and the Ortgruppenleiter have to do with that?

A As National Socialists, they represented the ideals of anti-semitism.

Q But what specifically did they do against the Jews that caused you to be opposed to them?

A Am I to understand your question as saying in what way did these Ortgruppenleiters, Zellenleiters, and Blockleiters carry out the anti-semitism?

Q Yes.

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DR. GAWLIK: May I object to this line of questioning since the witness was not called in for this line of questioning, and from the testimony that he has given up to now, he does not know the information which is now being asked of him.

CAPTAIN TUBRIDY: The witness has indicated that he is a member of a part of the SD. The SD was a group of persons that allegedly conspired in crimes. The line of questioning is directed toward the individual as a person and his attitude and his actions which would have a bearing on the testimony which he has been giving.

DR. GAWLIK: In other words, it is only a question of his trustworthiness and reliability?

CAPTAIN TUBRIDY: Generally.

DR. GAWLIK: Alright.

WITNESS: May I have the question repeated?

LT. COMMANDER HARRIS: Yes.

(Question repeated by German stenographer.)

WITNESS: I, at that time, was not a member of the National Socialist Party, and I can only testify as to what I heard from others.

BY LT. COMMANDER HARRIS:

Q Yes, that's what we are interested in. What, specifically, did they do that caused you to think that this anti-semitism was wrong?

A What I saw especially of the anti-semitism of the Nazi party was the propaganda which was reported in the newspaper and especially over the radio. Then, the mass meetings, the papers such as Der Stuermer, and such all carried this propaganda.

Q You said that you understood that the Party was trying to force the Jews to leave Germany. What did the Blockleiter, Zellenleiter and Ortgruppenleiter do specifically to force the Jews to leave Germany, for example?

A I was a lawyer, and as such, represented many Jews that intended to leave Germany, and later on actually did leave Germany. As a lawyer, I had to aid them in various aspects of their leaving,

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such as helping them in certain financial interests; also having to meet with the border duty officers and with the finance officers and so on, and therefore, I did not have anything to do actually with the party officers and do not know what these party officers did in order to force the Jews to leave Germany.

Q Well, your clients told you what they did, didn't they?

A Yes.

Q Well, what did they tell you?

A I had clients for instance that used to have business in Germany, and after a while, they received an order that they would not be allowed to carry on these business affiliations any more and it was attempted to try to retain their business interests so that they would start anew in the foreign countries.

Q And what organization drove them out of business? Was that done by the Party?

A No, this was just a consequence of State decrees, or state orders. For instance, the Nuernberg decrees were State laws and National laws, and it was from these laws that the decree was enforced.

Q How were these discriminatory laws enforced? What organization enforced them?

A There were a large number of official departments connected with this matter. For instance, the Finance Department had a very large part in this, and duty had to be paid for anything that was taken out of Germany. Then, the local police, the criminal police, was also connected with the issuing of passports and so on.

Q What else did you tell the Kreisleiter? What other reasons did you give the Kreisleiter for not joining the Party, other than the fact that you were opposed to anti-semitism?

A I have already stated that I told him at the time I was a non-political person, and had not participated in political actions. Before 1933 I was not interested, and was not interested now.

Q Well, did he tell you why you should become a member of

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the party?

A He did not tell me to become a member of the National Socialist Party, but to become a member of the NSV, the National Socialist Welfare Organization. He also asked me to participate in this welfare organization.

Q Did you do this?

A Yes.

Q You understood that really, if you didn't comply with this request, it would adversely affect your law practice?

A I was not threatened in that direction. However, I considered it a good idea to join this organization since it was a purely welfare organization which had nothing to do with the National Socialistic world ideas, and was a purely welfare organization.

Q You were out of sympathy with the National Socialistic world ideas, I take it?

A No, not 100%, only partly.

Q What parts of it were you particularly opposed to?

A I was against the anti-semitism and was also, as a lawyer, opposed to the so-called leadership principle which extended all the way down into the smaller groups or phases of public life. I was a liberal, so far as my law was concerned, or if you want to say it, I was more democratically inclined.

Q In other words, you were opposed to dictatorship as personified by Hitlerism?

A I would agree that at the time of need in which Germany was plunged, central and energetic leadership was a good thing. However, I am not quite able to determine how far this central and energetic leadership should have extended.

Q In any event, opposing these Nazi tendencies for leadership and anti-semitism, you joined the Nazi Party, didn't you?

A After I entered the welfare organization, I got the job of receiving the first of the many members, and it was also my job to bring these people money and food, and it was a job which

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was considered very nice, and after a half year, the Ortgruppen-leiter who was responsible for my district, told me that it was possible for me to enter the Party.

Q And so you were glad to know that you had been accepted in the Party and you joined the Party?

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A No, that is not quite the history of it. At that time I came to the conclusion that it was not a good idea to stay in isolated opposition as an outsider, but rather, to enter the Party and as a party member, to express my thoughts and opinions about the public life, and in such a way bring my ideas to a wider circle.

Q That was due to the fact that no outsider could safely express opposition to the Party and against the Nazi dictatorship, wasn't it?

A Yes. For instance, it was not possible to express my different opinion in a newspaper article or by expressing it at a rally.

Q It was the duty of the Ortgruppenleiters, Zellenleiters, and Blockleiters to keep watch over the people and to report unpatriotic actions, wasn't it?

A That would have meant that the Zellenleiters, Ortgruppenleiters and Blockleiters were spying on the people in the district. Before I entered the National Socialist organization, I did not know who the Zellenleiter was that was in charge of my particular district.

Q That's exactly what I mean, but you knew that if you, as a member of the opposition, stated your opposition to anti-semitism, that it was the duty of the party leaders to report you and that you would be reported and then the result was that you had to get out of the opposition and into the party.

A No, you cannot express it that way. I think what you say is exaggerated. When I was a lawyer, we more or less publicly expressed our opposition to various ideas. For instance, in a court house, similar to this, the lawyers had their own room in which a group of them got together and discussed the latest measures and criticized them. If we did not agree with them we said so. We were not afraid of being reported or picked up.

Q You didn't answer the question. I am not referring to legal methods, as to which lawyers have the privilege of expressing themselves. I am referring to remarks made by the public in general

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against the Hitler ideas, that is anti-semitism. It was generally known that these party officials did report these remarks and it was their duty to do so.

A No, it is true that in the rooms of the lawyers, judicial questions were discussed, but I am referring to questions about the events of the day -- the laws of the day and interior politics. We not only discussed those questions in the rooms of the lawyers, but also in public, and I want to emphasize ny this that I did not feel in any way that I was being spied upon.

Q In other words, what you just said a few minutes a go that the reason that you joined the Nazi Party was in order to have freedom of expression which you did not have outside of the Nazi P arty is not true?

A No, I do not consider that there was such a contradiction. In my answer, there is quite a difference in talking to friends and acquaintances about things like this, and in talking to another group of people -- Party members whom I met. By expressing my thoughts to them, I hoped to bring about a change in their ideas. There's q uite a lot of difference. One being without any results, and the other one, the latter one, having a possibility of results within the Party.

Q That's exactly what I am talking about. In other words, you know that as long as you were an outsider, that if you made statements about your opposition to persons in the Party, you were liable to get into trouble, didn't you?

A I considered it unnecessary and needless to stand on the outside and just criticize, but felt that I, as a member of one of the higher educated and more intelligent groups of the population, should enter the Party in order to bring about a change in the policy of the National Socialist Party as such.

Q What did you understand the SD to be when you joined it?

A I only heard about the existence of the SD shortly before I entered the SD. I became a soldier when the war broke out, and at that time, lawyers were being sought by the S for duties which necessitated a person being a lawyer. At that time, I was with

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a unit which I was not suited for. I was with a building construction company and my physical stature was not suited for the job. That is why I took the chance and I asked about the jobs which were open. I saw immediately that I could bring my critical ideas to use in this new job as a lawyer.

Q You have spoken for 5 minutes and you have not answered the question.

A Then I am sorry, but I did not understand the question.

Q I asked you, at the time you joined the Sd, if you knew what the SD was.

A I was told, at the time, and it later turned out to be true, that the SD was an institution which was to look into public ideas and thoughts. That was about the general lines and duties of the SD.

Q Well, did anybody ever tell you that the SD was the intelligence service of the SS in the Party in the Nazi State?

A Nobody ever told me that and I did not get the impression while working there that the Sd, and I am now speaking of Amt III, carried out any espionage or intelligence.

Q Well, how did the Amt III of the SD obtain their information?

A I suppose the Prosecutor is speaking of the material which the SD used for the report?

Q Did the Sd employ " V-Men" ?

A They did not employ them in the sense that they had a contract with them or that they were paid. We called them honorary co-workers. I, of course, was paid.

Q Did Amt III of the SD obtain indormation through persons who were called honorary part-time members, or "V-Men" , who obtained information secretly and relayed it to the SD regular employees?

A If you want to designate me as a paid agent, then I have to protest because the sound of the word agent is a very bad word in Germany. But, if you wanted to express by this that the main officials in the SD, such as I, did receive information from V-Men, then that is correct. I do quite understand the term that the

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Prosecutor used, that is, the term of obtaining information by secret means.

Q When did you enter Amt III's head office?

A End of January, 1943.

Q You have seen these reports on individual civil servants that you testified to at length? Have you ever seen one?

A As I have already stated, I concerned myself with the public. That is, while in Aachen, Hamburg and Berlin I concerned myself with civil servants, but later I was concerned with party members. That is, the leading personalities within the party.

Q You understand that you have not answered the question at all, don't you? Are you trying to deliberately evade answering the questions?

A No, I was asked whether I saw any of those reports.

Q And you have not answered this question.

A Yes, I've seen these reports.

Q That's a simple question, and it calls for a simple answer, and we will get along much better if you try to answer the question. What did the report look like?

A These reports were, as I have already explained, the description of the persons part life and their occupational career.

Q Did it have the name of the man on the report?

A It had to be there.

Q It had to be, of course. Then, it had the report which gave the basic facts, didn't it?

A I don't understand this question.

Q Then the body of the report contained facts concerning the man's past life and so forth?

A Yes, that was the rule.

Q Yes, Then, at the end of the report, there was the conclusion?

A That depended upon the offices from where this information originated. Some groups only made a list of the facts, and some other groups drew a conclusion.

Q Did you ever see any one of these reports which were

submitted to the State Department in final form as it went on to Amt III?

A I have already stated, in the answer that was objected to by the Prosecutor, that in Amt III, I did not have anything to do with the judgment of these officials. In Amt III, I made personality reports concerning persons within the party.

Q So that actually, what you are familiar with is your experiences in the Abschnitt and Leitabschnitt offices in submitting reports, beginning at Amt III, on these various appointees and officers? So your experience in the matters of reports on civil servants is based upon the time that you spent in the regional offices of the Sd, and in submitting reports from those offices to Amt III headquarters?

A I have already stated how this information was being dealt with in Amt III while I was with the Abschnitt sectors.

Q But you said you had never actually seen one of the final reports when it went out from Amt III to the state offices concerned.

A It is possible that I saw these reports from colleagues and co-workers, therefore it is possible for me to state what they looked like.

Q Just a minute ago you had never seen one of these reports. Now you say it is possible that you saw them. There could not be any question as to whether or not you saw them.

A When you spoke of the reports I thought you meant all the reports, or most of them. However, I have not seen all of them. The Amt III very often passed on the good reports and we passed them on. I know these reports quite well.

Q And some of these reports was a general appraisal of the person involved, wasn't it?

A Yes, I have already stated that it was handled differently in various organizations or groups. Some would have these final resumes.

Q What were your instructions in the field as to what type of political grievances you were to look for?



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A I did not quite understand your question.

Q You said that one of the elements was a man's political past, his political views and attributes, is that right?

A Yes.

Q And I suppose that in these reports, if one of the V-Men said that he had learned that this man was opposed to anti-semitism or something of that sort, that that was incorporated into the report?

A Yes, that's a fact.

Q And that's why you used these V-Men who were not known, and who therefore were in a position to acquire information that otherwise could not be obtained?

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A. I have stated before that the political aspects of the person were not the only points which were touched, but that it was only one point among many.

Q. You see, that does not answer the question. I understand that. Now let's have the question read back.

(Question read back in German by German stenographer.)

That's simple question and I think you can answer it with yes or no.

A. Yes, of course. If a person made such a statement and a V-Man heard it, he reported it among the other facts.

Q. You maintained the files of these persons in your regional offices, did you not ?

A. Yes, I had them at my disposal at any time.

Q. Now, actually, did you maintain files against individuals in anticipation of receiving requests for information ?

A. The files were set up in order to gather any kind of material. It was more or less a questionnaire.

Q. Go ahead and explain that. I am interested in the mechanics, you see.

A. If I understand you correctly, you want to know just how such an inquiry was handled ?

A. No, that's not the question. I will rephrase the question. When information came in from the V-men, and whatever forces were available, it was put in your files and kept in your office for future reference, wasn't it ?

A. I have to give you an example otherwise it is very hard to explain.

Q. I understand. I am not talking about these inquiries specifically, I am talking about it in general.

A. Yes, I have to give you a typical example.

Q. Well go ahead.

A. For instance, a V-Man reported the judgment in a certain case -- a criminal case. For instance, it was stated in this report that the public did not agree with this judgment which concerned something against the war industrial economy, which was a crime against the war industrial economy. It said then in the report, that the Judge, Judge Mueller, dealt with it too harshly, or not harshly enough, according to the viewpoint of the people. Then the SD became interested in Judge Mueller. Then extracts of this report were made and put into a file.

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Q. Under the name of Mueller ?

A. Under the name of Mueller, yes, that is correct. A second typical example is, for instance, when a Judge Schmitz is supposed to receive a promotion The Party asks the SD for any information which the SD has concerning this Judge. Then, we were to check and see if there were any files on this man. If there were no files, which was usually the case, then we made up a file.

Q. That's exactly what I want. Tell me what your duties were with respect to investigating the party officials when you were in Amt III in 1943 ?

A. The committee of which I was in charge was called General Public Life. It was my duty to describe this development of public opinion in reports which I made up after receiving reports from smaller sectors all over Germany. They were serious things which influenced the reports on the opinions of the population in a negative way.

Q. Just a minute. I think that perhaps you did not understand the question I thought you said before that your work in Amt III was with respect to the Party and that's what I was trying to have you bring out .

A. Yes, I am coming to this right now. There was a bad influence upon the opinion of the people if at any public affair, for instance, a high party official acted in a bad way. The action of the leading man was checked more and more by the population as the progress of the war became more and more critical. Many party officials were talked about by the population quite criticall and the opinion of the population was gathered by these V-Men. It was my duty to put together these facts and reports about either the high leaders as a whole or about individual leaders. I was to put them together and pass them on.

Q. And where did you send them ?

A. We were to bring these reports to the attention of the various officials who could change the existing conditions. That was, especially, Bormann, as high chief of the party. That is, he wasn't the highest chief, because the highest chief was Hitler, but he was the chief of the party chancellors.

Q. And you kept these reports in your office, filed by name, and when you submitted them did you submit them just with respect to one name at a time or more than one name ?

A. In genera, they were reports concerning one Kreisleiter and one Gauleite or one Reichslieter.

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Q. And they were set up as individuals by name in your office ? Is that right ?

A. Yes, that is something that I personally was responsible for. I developed these files. They were not official SD files, but they were in my office in a steel case.

Q. And the reports that came in from the V-Men through the regional offices gave information on the specific individuals by name which you put in your files ?

A. As I said before, if it concerned the actions of some individual by that name, yes.

Q. The answer is yes ?

A. Yes, but just in case, I wish to have the question repeated.

(German stenographer repeats the question.)

Yes, the answer is yes.

LT. CMDR. HARRIS: I have no further questions.

RE-DIRECT EXAMINATION

BY DR. GAWLIK:

Q. Witness, you stated before the difference between a judgment and what you called a state Hoheits Act and Political Information. Am I correct in saying that this Hoehiets Act was a judgment which was a general judgment whose value was accepted by everybody ?

A. In Germany, it was an official act.

Q. It was an act which was to be depended on by everybody, and the difference between the political information was or is that the information only gave actual facts ?

A. Yes, and as the Prosecutor has stated, and I agreed, if there was a closing resume of the entire thing, then this was not official nor was it in any way binding upon anyone.

Q. My question is this, do you know what political leaders could give such a binding judgment ?

A. As far as I know, only Kreisleiters.

Q. What was the reason for the critical opinions concerning high members of the Party in the State ? Why were they put together ? Was the reason of the SD that the SD was to act against these people who made these statements or were there other reasons ?

A. We considered it very important to know what the people thought of the political leaders. The leadership had to receive such information from its information branch. However, over all those things, we had no influence.

LT. COMDR. HARRIS: You translated "Nachrichten Auskunft" as informatio branch ? Is it information or intelligence ?

INTERPRETER: "Nachrichten" is actually information. It can be used in both ways.

CAPT. TUBRIDY: Let's just let the record show that it can be translate either as information or intelligence.

BY DR. GAWLIK:

Q. Was the purpos of these reports by the population concerning these people, to prosecute the people who had made statements ?

A. The V-Men were not required to name the persons who made these statemen

Q. Then how were these statements reported ?

A. For instance, in the following manner. The entire population of a town spoke of the action of a certain Kreisleiter.

Q. What was the situation of the SD at the time you arrived at the Reich Security Main Office ?

A. At that time already there were many differences between the SD and Par Chancellors, especially Bormann and even with Himmler, who did not consider the reports of the SD as very important. We were always accused of being defeatists, or of being pessmistic, and that we were against the Party.

DR. GAWLIK: I have no further questions.

CAPT. TUBRIDY: The Court will adjourn, and we will have the next witness at 2;00 o'clock.

(The Court adjourned at 1315 hours.)



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I certify that the following is a true and correct transcript of the testimony of ALFRED HOENGER, taken on 26 June 1946.

Alice Meehan
reporter

Pilanii A. Ahuna
reporter

COMMISSIONER

Joseph F. Tubridy